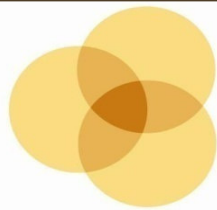


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Proposed Framework to
achieve Aboriginal Inclusion to
lift the Cultural Competency of
the Victorian Government

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EXECUTIVE SUMMARY

The Aboriginal Inclusion Framework is an initiative focused on producing inclusive, consistent and effective service delivery to Aboriginal people through all departments and those agencies provided with funds by the Victorian Government.

Aboriginal inclusion necessitates participation by Aboriginal communities in processes of policy development and program and service delivery. Ineffective or culturally exclusive service provision has human rights implications. Any barrier preventing a population from accessing Government services diminishes their entitlement to live to the same standard as the mainstream community.

This report describes the outcomes from the consultations held with Aboriginal communities in regional and metropolitan Victoria as well as with service providers by Government departments and agencies at the central, regional and local level.

The report provides a number of initial recommendations for consideration in response to the issues that arose through consultations as well as drawing on earlier research conducted as part of this project.

The Victorian Government is spearheading reform of systemic cultural inclusivity within service delivery. The final component of this

project will be a report on the implementation of an Aboriginal Inclusion Framework that has the potential to progress Cultural Competency from theory to practice.

The final report will provide a tool for departments and agencies to assess and reform current practices in relation to how they do business with and deliver services specifically for the Indigenous population of Victoria. This includes all governance, planning, program development, workforce capacity, implementation, reporting and evaluation.

The Aboriginal Inclusion Framework aspires to strengthen Aboriginal culture and support successful Aboriginal participation in the design, implementation and assessment of policies and programs by which they are directly or indirectly affected.

This report recommends that any Aboriginal Inclusion Framework should consider including the provision of services by agencies receiving funding from the Victorian Government. In addition, this report proposes that the framework provide a platform for change, and an expectation of *Cultural Inclusivity*, not simply cultural awareness. This requires identifying current social barriers, overcoming processes that

exclude,¹ and enabling capacity building in communities.

The report suggests that these actions must be informed by the guiding principles of:

- Respectful Partnerships
- Cultural Safety
- Cultural Respect
- Cultural Responsiveness

This report acknowledges that some departments within the Victorian Government are currently developing or implementing individual Cultural Competence strategies to improve current practice internally. This is coupled with suggestions in this report for improved consultation and communication with communities, long term goals based on measurable outcomes and introduction of accountability measures for service providers that should assist in consistent and inclusive service delivery.

CONSULTATIONS

To achieve an understanding regarding current Cultural Competence practice in the Victorian Government, consultations were conducted with nominated liaison officers in several departments in conjunction with a thorough literature review of current Victorian Government publications.

¹ Department of Planning & Community Development 2008, *Social Inclusion - A Victorian Approach*. Government of Victoria, Department of Planning & Community Development, Melbourne.

Consultations with representatives from local agencies and Aboriginal stakeholders in regional areas were also conducted. This allowed observation of current practice from policy conception through to its reception by the community, and revealed numerous possibilities for improvement.

At every consultation both service providers and Aboriginal stakeholders expressed how grateful they were that someone was taking the time to listen to local issues. Some people expressed the view that they had not been heard for a long time.

The commitment of the Victorian Government to 'Closing the Gap' through long term strategies including the Aboriginal Inclusion Framework should lead to permanent and positive improvement in the relationship between Government and Victorian Indigenous peoples.

Aboriginal inclusion is not just about service delivery; it has to address all aspects of how each department functions. The need for change has to be recognised throughout each department, from top to bottom. The results of implementation of the framework in a sustained and effective manner will be systemic change to organisational behaviour which is 'built in, not bolted on'.

The key change will be that the support services provided by the Victorian Government will be delivered in a culturally appropriate and inclusive manner.

There are three key areas in which one can test the level of support and commitment of an organisation (such as the Victorian Government) to a minority population group such as Aboriginal people:

- The level of participation of that group in the workforce of the organisation
- The level of engagement with that group in decision making which affects it - in this case decisions relevant to Victorian Government interaction with Aboriginal people across the diverse range of services provided by it
- The response from Aboriginal people and other stakeholders to the services provided.

Currently, there appears to be room for improvement in communication between Aboriginal Victorians, Aboriginal community groups, Aboriginal Peak Bodies and the Victorian Government. Regional issues do not always appear to be adequately reflected or addressed in current policy development and implementation and this compounds rather than resolves issues at a local level.

The framework recommended by this report is based on initiatives to address issues which fall under three broad headings:

REGIONAL ISSUES

- Service providers and communities need to learn new methods of engaging and communicating and in setting and achieving

goals together. Moving towards a more culturally inclusive model of service delivery is the responsibility of both Government and Aboriginal communities.

- Communities should be educated in identifying unfair and racist treatment and empowered to voice discontent in a way which effectively changes service provision.
- Service providers must be educated to listen, and respond with culturally competent behaviour.
- Racist behaviour by service providers must be recognised and addressed.

COMMUNITY ISSUES

- Engagement in the design of policies and programs is critical. Aboriginal people and communities have the best knowledge of their current disadvantage. The consent of Aboriginal people affected by policy or programs proposed should be sought. “Consultation” is not the same as “consent.” Matters such as how funding is used and which localised issues are priorities should be determined by Aboriginal people wherever circumstances permit.
- Aboriginal Peak Bodies and organisations need to engage more with the communities they represent.
- Aboriginal participation in the education system must be greatly improved.
- There are insufficient regular forums between communities and service providers. Such forums would increase the efficiency and effectiveness of service

delivery and provide a useful feedback mechanism to service providers.

GOVERNMENT ISSUES

- There is a great need for an accurate, localised data collection to give a clear picture of the needs of each community. Such data would assist the allocation of funding, allow for a better understanding of community needs, and assist progress towards a more inclusive service delivery to be monitored.
- There needs to be clear consequences for service providers who perform poorly, fail to satisfy their duty of care, or act in a racist manner. There needs to be service provider accountability at both an individual and an organisational level, and consequences for any failures to meet standards.
- Realistic and measurable targets for service providers must be set; Targets should be set in consultation with, and recognised as achievable by communities and reviewed on a yearly basis.
- Too many programs are funded solely for a start up phase, or for short term periods. Long-term funding should be committed for programs, to reduce time spent by service providers seeking renewal of funding and to build capability in the service.
- More Aboriginal people should be employed by Government to become involved in service delivery as professionals and para-professionals.

There is evidence of some good practice in Victoria to address some of the issues identified above. The consultations revealed that some programs and initiatives are succeeding to improve Aboriginal inclusion in Victorian service provision. The “success stories” included:

- The Local Indigenous Networks (LINs) were well appreciated in most areas where they have been established
- The Mildura City Council Community Engagement Framework has resulted in some successful action to improve access to services
- Across Victoria there is great appreciation of the successes achieved by the Aboriginal Justice Strategies, including the Koori Court, the Australian best practice Regional Aboriginal Justice Advisory Committees (RAJACs) and the Victorian Aboriginal Justice Agreements
- The Gippsland and East Gippsland Aboriginal Cooperative has grown to offer a number of well regarded and heavily used services and is considered by service users as a vital part of the Aboriginal community in those areas.
- Goulburn Valley Health is a fine example of a hospital which has made significant progress in changing its operations to make it more welcoming to Aboriginal patients and more culturally competent in many respects. These changes have been achieved in consultation with the Rumbalara Aboriginal Health Service.
- The Best Start and Early Start kindergarten programs, where they are established, are

strengthening the capacity of Aboriginal parents to get their children on a path to successful engagement with the education system.

Some of the conclusions to be drawn from these successes are based on:

- Well articulated and inclusive Government policy
- Provision of services by Aboriginal people
- Effective consultation with the Aboriginal community expected to use the service.
- An inclusive process followed to establish new projects, and
- Respect shown to the Aboriginal community by listening to their wishes and ensuring that this is reflected in the assistance provided, is just as important as the assistance provided.



1 RECOMMENDATIONS SUMMARY

1.1 From theory to practice

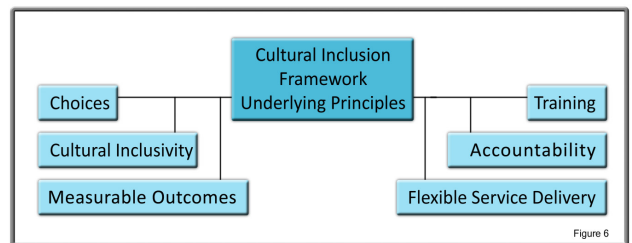
Cultural Competence and inclusion can be achieved but only when theory develops into practice, and practice into standards.

Without actual implementation of new procedures and policies there is a risk that the only standard experienced by much of Victoria’s Aboriginal population will continue to be one of exclusion.

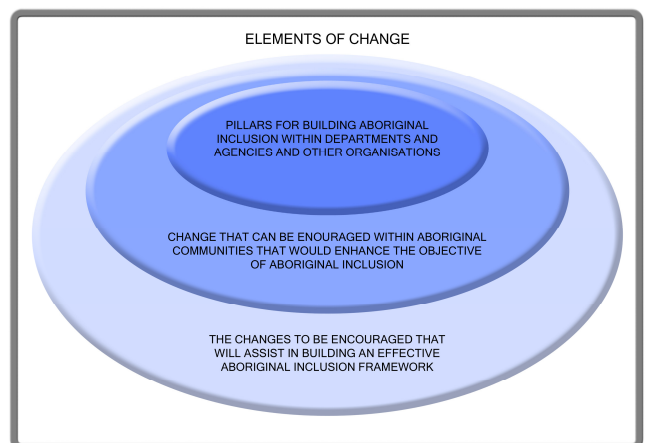
It is fundamental to the creation and maintenance of an effective Aboriginal Inclusion Framework that it be embedded into the day to day activities and operations of all departments and organisations to which it applies. It must be part of the fabric of how service is provided by those organisations. It must be “built in” not “bolted on”. Consideration of Aboriginal inclusion has to become part of basic Government organisational strategy and priority setting. It has to receive attention at every level of the organisation, from formation of policy to service delivery.

It is important to require individuals at all levels of the organisation to have responsibilities for ensuring Aboriginal inclusion is consistently applied, and for raising or responding to issues of

concern. Delegation of responsibility in this manner to operational areas avoids the framework being something for which only one part of the organisation is responsible and contributes to the development of an appropriate culture in the organisation. However, *“A potential risk with delegation is that when something becomes everyone’s responsibility, it can end up being nobody’s responsibility. To avoid this outcome, delegated responsibility must be accompanied by clearly defined and monitored accountability.”*²



The following recommendations address these objectives in three separate sections, or rings, as set out below.



² Victorian Equal Opportunity and Human Rights Commission from Principle to Practice; Implementing the Human Rights based approach in Community Organisations, Page 19

1.2 The recommendations

INNER RING RECOMMENDATIONS

These recommendations relate to building Aboriginal inclusion within departments, agencies and other organisations

Recommendation 1

Engagement not just Consultation

Establish effective consultations with local Aboriginal communities that yield measurable results. Establish consultation periods where departments and organisations can engage with communities together rather than communities having continuous consultations.

The Local Indigenous Networks appear to be a positive step in this direction, together with the intended local Regional Indigenous Councils.

Recommendation 2

Close the Gap Training

Develop appropriate “close the gap” training; require all Victorian service providers to undertake training as soon as is practical and all new service provider staff to undertake that training as part of their induction process. Training should be retaken on an appropriate periodic basis - three years is used by the resources industry.

Service provision needs to assume that there is parity between the rights and aspirations of Aboriginal people and the wider community in relation to jobs, education, health and participation in the justice system. “Close the gap” training should focus on breaking down stereotypes and

generalisations by identifying Aboriginal people as “people”, rather than identifying as a different “race”. It should involve informal social contact between service providers and Aboriginal people.

It is reasonable to expect that participation in an appropriate “close the gap” training package would result in service providers having a better understanding of the barriers to participation that many Aboriginal community members experience. The more those barriers are understood, the more likely it is that service providers will find ways to overcome them. That way, through effective social contact and real communication, “cultural competence” on the part of the service providers will steadily increase.

In addition, any cultural training needs to be conducted in the area of employment of the service providers and be conducted by members of the local Aboriginal community. This will ensure that the knowledge gained during training sessions is valid for the area of employment and also that service providers taking part in the training will have the opportunity to meet and talk with members of the local Aboriginal community.

Recommendation 3

Baseline Study

Carry out baseline study work to assemble a comprehensive picture of the current position of each Aboriginal community in Victoria to ascertain its key problems and real position.



This should include work which identifies the total population. ABS figures substantially under represent the number of Aboriginal people requiring Government services.

Recommendation 4

Review Funding

Change the nature and term of funding for programs involving provision of services to Aboriginal people to provide more certainty that services will be continued for longer periods and to reduce the time and resources required to seek renewal of short term funding and replacement funding.

Current approaches to funding are short term and do not allow for appropriate management assistance at the Community level. This leaves service providers with insufficient information to manage programs properly, and Aboriginal communities not knowing what is available to them.

Recommendation 5

Consent in Program Design

Take a different approach to the development of Aboriginal policy and programs. Informed consent of Aboriginal people affected by intended policies and programs should be sought. "Consultation" is not the same as "consent".

Recommendation 6

Increase Participation

Greatly increase the participation of Aboriginal people in the delivery of programs intended to assist their communities. There is very strong

evidence that Aboriginal involvement in program delivery is highly valued by Aboriginal people in Victoria, particularly if it includes participation at a senior level. Aboriginal people participating in service delivery need to be appropriately supported in performing their jobs effectively.

There is a great need for many more Aboriginal service providers and liaison officers. Nearly half the Aboriginal population in Victoria are younger than 18 years old. There must be substantial effort put into keeping Aboriginal children at school longer, and providing them with pathways to employment. Doing so will increase the numbers of Aboriginal people available to meet that need.

Recommendation 7

Develop support Networks and Service Maps

There is great potential for local service providers to assist one another. It would be useful to develop localised online databases to allow local service providers to know who to contact both in cases where they require the assistance of providers in different departments and also when it is required to contact members of local co-ops or other Aboriginal Advocacy groups.

Recommendation 8

Accountability and Measurable Outcomes

Set realistic and measurable targets for service providers to improve Aboriginal access to Government services and Aboriginal inclusion in Victoria. Targets set for each community should be set with its agreement that the targets are appropriate and achievable.

Make achievement of those targets matter to service providers, both at an individual level and an organisational level. Individual performance reviews should include consideration of whether they have met Aboriginal inclusion targets appropriate to them. Budget setting by departments and by parliament should address whether the organisations seeking funding have achieved adequate progress in “closing the gap”. There should be rewards for good achievement, both at an individual and organisational level. Racist behaviour should attract real consequences.

All localised and internal Government efforts to achieve Aboriginal Inclusion should be reviewed at regular intervals. By evaluating success and barriers faced in improving Aboriginal inclusion there is a greater chance that:

- Barriers will be identified and overcome
- Changes made will be maintained
- A long term mentality will be established within Government Departments and at a local level, raising awareness that achieving inclusion is a permanent goal, not a short term solution.

A complaints system also needs to be established and information provided to the Aboriginal community regarding their right to complain about inadequate service and how to do so.

Recommendation 9

Rights based approach to service delivery

There needs to be a shift in attitude and training for service providers, away from the provision of services on a needs based approach, with a greater focus on effective service delivery as being a right or entitlement for all members of Aboriginal communities.

MIDDLE RING RECOMMENDATIONS

These recommendations relate to change that can be encouraged within Aboriginal communities that would enhance the objective of Aboriginal inclusion.

Recommendation 10

Provide effective support and communication pathways for Aboriginal Liaison Officers

Support networks need to be established to provide local ALO's with both sufficient training and emotional support for the duration of their position.

Recommendation 11

Provide training to assist Aboriginal Communities identify and report racism

Develop training and information sessions to provide members of Aboriginal communities with current, thorough information regarding their entitlement to effective service and fair treatment. This training needs to reinforce the right of the Aboriginal communities in Victoria to equal treatment by service providers in all fields and seek to build confidence in addressing ineffective service delivery.

There should be a system put in place whereby community groups and individuals can report racist treatment or ineffective provision of services.

Recommendation 12

Localised Service Targets

Following effective baseline studies, targets for levels of engagement of services in specific areas need to be established. Current levels of engagement should be ascertained and targets to improve them established. Success in achieving these over a designated period should be reviewed, with a focus on addressing any barriers met and rewarding improvements.

Recommendation 13

Advertising Services

Funding needs to be allocated to service providers specifically for the advertising of local services available. There needs to be greater awareness amongst Aboriginal communities as to the services available. Many people are unaware they can receive assistance. There should also be assistance and guidance provided to local service providers towards identifying effective methods of service promotion for each area such as local television advertisements, brochures or posters in local areas.

OUTER RING RECOMMENDATIONS

These recommendations consider changes that will assist in building an effective Aboriginal inclusion framework

Recommendation 14

Review Aboriginal Peak Bodies and Advocacy Agents

For all Aboriginal peak bodies and advocacy agents receiving Government funding, set measurable targets and measure their performance against those targets. As with Government service providers, achievement of the targets should matter. All peak bodies and advocacy agents must be accountable in the same way as service providers must be accountable.

Recommendation 15

Increase training and educational pathways for entry into service roles

There needs to be a greater emphasis on the placement of members of local Aboriginal communities into service provision roles at a regional level. Educational and training pathways need to be developed and supported to encourage entry into local positions including the role of Aboriginal Liaison Officers.



2 INTRODUCTION

2.1 Closing the Gap

Based on the indicators in the Whole of Government Indigenous Affairs report of 2007-2008, several Federal and State Government initiatives were implemented to reduce the gap in life expectancy and quality between the Australia's Aboriginal and mainstream population.

The DPCD report of November 2008 titled "Social Inclusion - A Victorian Approach" stated;

The overarching goal of the Government in Indigenous affairs is to end a situation in which Indigenous citizens die on average 17 years younger than other Victorians and experience a greater concentration of hardship and trauma over the course of their lives.³

In 2006 the Victorian Government established the Victorian Indigenous Affairs Framework (VIAF) as a policy framework for improving the lives of Indigenous Victorians and a Ministerial Taskforce on Aboriginal Affairs now chaired by The Hon. Rob Hulls, the Deputy Premier, to oversee its implementation. The VIAF establishes 21 strategic change indicators.

³ Department of Planning & Community Development 2008, *Social Inclusion - A Victorian Approach*. Government of Victoria, Department of Planning & Community Development, Melbourne p7

In 2008 the Victorian Government in partnership with Aboriginal stakeholders convened the 2008 Victorian State-wide Indigenous Forum.

In response to key themes arising from the forum, and also through the Premier's Aboriginal Advisory Council, the Victorian Government in partnership with the Victorian Indigenous communities agreed to undertake further work to:

- Recognise, support and enhance the centrality of Indigenous cultures and family in improving outcomes for Indigenous Victorians;
- Further strengthen and increase the inclusion and participation of Indigenous Victorians in the design, development, delivery and evaluation of public policies and programs;
- Further strengthen partnerships between Indigenous communities and the Victorian Government; and
- Build on the existing physical and intangible/social assets of the community.

Resulting from that commitment, this project was designed to develop a framework to enable departments and agencies to assess their cultural competence and reform current practices in relation to how they do business with and deliver services to Aboriginal people and communities.

This will include amongst other things governance, planning, program development, work-force capacity, implementation and reporting and evaluation. The framework is intended to be based on recognition that inclusivity and respect for the legitimate cultural rights, values, practices and expectations of Aboriginal people is at the heart of improved outcomes through Government investments.

It is intended that the framework will be applied to all State Government departments, their agencies and may be extended to include the Commonwealth Government Departments operating in Victoria. It may also potentially flow across into the private sector and local Government.

2.2 Australian Governments Context

Increasing concern from the Council of Australian Governments (COAG) has resulted in numerous key initiatives in other State and Territory Governments to effect Aboriginal inclusion, Cultural Competency standards and Closing the Gap.

- The National Health and Research Council have developed extensive Cultural Competency guidelines on health policy formation and implementation.
- New South Wales - Two Ways Together National strategic Framework to coordinate all of Government action focused on achieving the indicators outlined in the

Overcoming Indigenous Disadvantage report as well as specific state targets.

- Queensland-Partnerships Queensland is closely related to the priority outcomes from the *Overcoming Indigenous Disadvantage Framework*. This initiative focuses on Family, Health and Cultural and community development as a means of delivering sustainable improvements to the quality of life for Indigenous peoples.
- Western Australia - Bilateral Agreement on Indigenous Affairs
Established in 2006, this is a framework for prioritising outcomes from Government engagement with Indigenous communities, seeking to improve quality of life for Indigenous people.
- South Australia - The South Australia Inclusion Framework⁴. This is an audit tool designed to measure behaviours with the interest of setting consistent and culturally sensitive behavioural trends amongst service providers.

Despite culturally aware service delivery and engagement, a lack of accountability or regular reporting of outcomes appears to be common to all other state Governments. However, cultural awareness training, employment of Aboriginal people, community engagement and service delivery does suggest motivation and striving for cultural competence, consistently across all state jurisdictions.

² Department of the Premier and Cabinet 2006, *A Cultural Inclusion Framework for South Australia, Document One Guide to the Framework*. Government of South Australia

2.3 Victorian Government Context

The Aboriginal Inclusion Framework aspires to modify practices, policies and service delivery across all Government departments.

Simultaneously several Government departments are researching or implementing individual internal frameworks or action plans that, among other things, target cultural competence. These include:

- Victorian Indigenous Affairs Framework Partnership Principles
- Positioning Aboriginal Services for the Future
- DHS Review of Roles and Responsibilities for Aboriginal Affairs
- Aboriginal Cultural Competence Framework
- Dardee Boorai: Victorian Charter of Safety and Wellbeing for Aboriginal Children and Young People
- The Victorian Government has also endorsed the COAG principles on urban and regional service delivery for Aboriginal Australians
- Aboriginal Justice Agreement Principles and Practices
- Aboriginal Best Start Cultural Beliefs
- *Wannik* - Koori Education Strategy
- DHS - Aboriginal Cultural Competence Matrix
- VACCA - Cultural Competency Framework

2.4 Scope of Project

The initial Request for Tender by the Department of Planning and Community Development outlines the scope, implementation and flexibility of the Framework as:

“The overarching framework would enable departments and agencies to implement Aboriginal inclusion within their departments and agencies ...this could include specific cultural competencies and detailed actions relevant to the specific needs of Indigenous Victorians to their organisation as well as strategies to meet the goals and objectives of the overarching framework.”⁵

2.5 Definitions

In this report the following terms have these specific meanings as outlined below.

2.5.1. Social Inclusion

Social Inclusion means ensuring equal economic and social contribution and participation. It allows people to engage with the direction of governance directly affecting them, developing capacity building. Social Inclusion addresses the cycles of disadvantage, by assisting all citizens to contribute to and participate in our collective resources.⁶

⁵ Department of Planning and Community Development , Request for quotation for the Development for a Whole of Government Aboriginal Inclusion Framework to lift the Cultural Competency of Victorian Government Agencies, 2009.

⁶ Department of Planning & Community Development 2008, *Social Inclusion - A Victorian Approach*. Government of

Aboriginal communities want Government to assist them in building their capacity, resilience and independence, and to reduce the need for crisis management.

*'The creation of a socially inclusive Australia requires that those communities and individuals who receive a Government service be recognised as best placed to help design and deliver it. The intelligence of service users can be directed to finding better solutions. Public servants should become facilitators and intermediaries, providing the means by which people are enabled to do things for themselves.'*⁷

The Victorian Government's Indigenous Affairs Report in 2007-2008 states that Social Inclusion recognises:

- Disadvantage can not be measured by income alone but should take account of a wide range of living standards (it is multidimensional)
- People are not simply individuals but are part of a family, household and community (it is relational), which means:
 - The resources of local areas and communities are important as well as individual resources and

- The quality and extent of a person's family and community networks are also important
- the processes of Government, the economy and society can lead to exclusion, (actions and choices made by Governments make a difference for better or worse), and
- Capacity building is central - people need basic capabilities and knowledge to avoid, deal with, and escape from disadvantage.

2.5.2. Human Rights

The Charter of Human Rights and Responsibilities Act (Vic) 2006 (the Human Rights Charter) which came into full effect early in 2008 imposes a duty on service providers to act in a way which preserves and enhances the rights of all individuals. In addition it imposes specific duties relating to the preservation of Aboriginal culture. See s7. this report for an explanation of the application of The Human Rights Charter to Aboriginal Inclusion in Victoria.

2.5.3. Cultural Competence

Cultural competence means simply feeling comfortable enough to engage with people in any setting. Cultural competence is a set of congruent behaviours, attitudes and policies that come together in a system, agency or among professionals to work effectively in cross cultural situations. Cultural competence is more than cultural awareness. Cultural competence focuses on the capacity of the system to improve its performance by integrating culture into the

Victoria, Department of Planning & Community Development, Melbourne.

⁷ Dr P. Shergold, "Devolve Power to the People", *The Australian*, 11-12 July page 21
<http://www.theaustralian.news.com.au/story/0,25197,257614,25-5014047,00.html>

delivery of the service and the holistic performance of the system.

For a system to be culturally competent it needs to demonstrate by its behaviours, practices and policies that it values diversity, has the capacity for cultural self assessment, that it is conscious of the interaction of the dominant culture with different cultures, and that it adapts its service delivery to reflect that diversity.

Cultural competence requires the behaviour of a system to demonstrate cultural understanding of the different cultures with which the system interacts, and an adequate level of community engagement and participation with those different cultures.

2.5.4. Duty of Care

“Duty of care” means the duty of service providers to do what they can to enable Aboriginal people to live as “everyday people with everyday rights.” Service providers must treat Aboriginal people in the same way as they treat the mainstream community.

The duty is imposed by the Human Rights Charter.

3 METHODOLOGY

3.1 Research

Substantial research was conducted into the views, current practices and policy of other Australian States and Territories as well as international views on Cultural competence and Indigenous inclusion.

3.2 The Project Team

Cooperative Change Pty Ltd in conjunction with Dr Marcia Langton, Professor of Australian Indigenous studies at the University of Melbourne, was retained by the Department of Community Planning and Development to develop this framework. Consultations were carried out by Professor Langton and Karen Millward.

The Director of Cooperative Change, Janina Gawler, is widely known for her leading edge and successful work in assisting Aboriginal people, Government and the private sector to design mutually rewarding interactions. She has acted as an advisor to this project.

Professor Marcia Langton is an internationally renowned academic and advocate for the rights of Indigenous peoples. Karen Millward is an Aboriginal consultant well known and respected

in Victoria. The project has been lead by Michael Gawler, a principal of Cooperative Change.

3.2.1. Regional and Metropolitan Consultations

All of the consultations were organised by the Department of Planning and Community Development, by advertising, using its networks of contacts and via word of mouth through communities.

The consultations undertaken for the Victorian Government's Aboriginal Inclusion Framework sought to identify the issues directly contributing to the discrepancy in the quality of life between Victoria's Aboriginal and mainstream populations. Consultations, conducted as open forums provided opportunity for representatives for local service providers and communities to talk in a comfortable environment regarding concerns or successes.

Consultations were conducted in the following areas;

- Northern Metropolitan Melbourne
- Bairnsdale
- Warrnambool
- Horsham
- Shepparton
- Mildura
- Southern Metropolitan Melbourne

Regional and metropolitan consultations sought to identify problems experienced at a local level both with community members and service providers. This method provided a snap shot of key concerns and grievances in each area and provided some insight into how they had developed and how they affected people both providing and receiving the service.

Consultations with Government service providers and Aboriginal groups resulted in the identification of a number of positive and negative recurring elements. In all cases several key practices have caused the most significant positive and negative forms of engagement. Eight of the thirty eight identified Aboriginal communities within Victoria were consulted. While our consultations were extensive and thorough they still provide only a sample of the many Aboriginal communities across Victoria.

In each of the consultations, service providers and members of the Aboriginal community attended. Some consultations had higher attendance than others. In all cases service providers attended more frequently and in greater numbers.

For each consultation half a day was allocated to meeting with each group separately in each area, allowing an opportunity to identify and thoroughly discuss areas of concern. Most importantly, this method provided an opportunity to ask members of the communities directly what solutions *they* would offer to current problems.

Several points that were raised consistently through all consultations revealed themselves to be immediate and major symptoms of poor service provision. Because of these major problems, smaller regional specific issues have arisen, many of which, left unsolved, have become barriers that will need to be overcome in order to allow effective service provision and ensure local participation in the services.

It was apparent that there were concerns with services offered directly by the three levels of government as well as with funded non-government services.

3.2.2. Consultations with Service Providers

Service providers, including Government agencies and non-Government organisations attended the consultations in each region, including representatives from:

- Health
- Housing
- Education
- Employment
- Early Childhood Health and Development
- Local Council

Local hospital administrators and workers were the most frequently represented in consultations with service providers. All provided useful statistics and experiences. Hospitals have significant engagement with the Aboriginal

community and have experience in changing policies towards better engagement.

government and the Victorian State Government departments and agencies.

These policies have taken a degree of training and a shift in both attitudes and behaviour and provided an example of the process of shifting towards better engagement. The process of change also highlighted some examples of the difficulties that can arise for both the hospital and the individual in asking a patient if they identify as an Aboriginal person in a medical environment.

3.2.3. Consultations with Aboriginal communities

Members of the Aboriginal community who attended the consultations included those employed in service provision themselves, to Chief Executive Officers of local Co-operative organisations or other Aboriginal Organisations to interested members of the community who had experiences to share or something to say.

The consultations were conducted as an open forum for discussion with key points and objectives of the potential framework discussed and potential solutions identified. This process revealed much anger and hurt on the part of the Aboriginal communities. From their perspective they identified areas in which they feel they are being let down and treated unjustly by current policies and procedures surrounding operation of services and allocation of funding. In many cases their issues included policies and procedures applied by Commonwealth agencies, local

4 BACKGROUND

4.1 Challenges the Framework must confront

The Framework must tackle particular challenges and realities. All consultations, with both service providers and Aboriginal community members revealed a range of issues preventing consistently effective engagement with the local community. Service providers state-wide are confronted with similar problems when attempting to engage with community groups. Similarly, communities state-wide expressed similar concerns regarding their difficulties in receiving consistent and effective service delivery.

This disconnect is a result of several factors, all contributing to a general lack of understanding between the two groups. In some cases it is expressed as fear of giving offence or fear of being offended. In some cases this results in a stalemate, where neither group seeks the assistance of the other. This is perhaps the worst possible scenario, - services not being provided and services not being sought.

4.2 Role of Cultural Competence

Cultural incompetence is the new discourse in exclusion.

Aboriginal inclusion is not a result of Cultural competence alone. The fundamental requirement for Aboriginal inclusion is recognition by service providers of their duty of care and their obligation to satisfy the needs to their customers. A focus on Cultural competence as a cure for Aboriginal exclusion may encourage a “victim” mentality.

By contrast, a focus on the duty of care that service providers have to all their customers moves thinking towards inclusive behaviour. Aboriginal people should be treated in a way that affords them the same rights as other members of the community.

Focusing the attention and efforts of service providers on providing customer satisfaction to all of their customers including Aboriginal people will engender cultural competence, simply through the process of service providers asking “how can our services be improved for these clients?”

The characteristics of a framework to improve cultural inclusion are well described in the following diagram.



4.3 Moving from Cultural Competence to Aboriginal Inclusion

At the commencement of this consultation there was an assumption that improving the cultural competence of service providers was the principal means by which improvements to Aboriginal inclusion could be achieved. However, over the course of our consultations it became apparent that lack of Cultural Competence on the part of service providers is only one barrier to accomplishing this objective.

An Indigenous teenager, new to an area, started a dance group for other teenagers in the community, teaching his traditional dance. A social worker supported the program assuming it encouraged sharing of culture and building community, only to discover it had caused upset and offence amongst local elders. The boy was teaching his traditional dance but from a different country and was seen to be breaking local cultural practice.

There are more barriers to Aboriginal inclusion that have to be addressed. Perhaps the most fundamental barrier is the view taken by service providers of their efforts to improve Aboriginal inclusion. Through our consultations, many service providers regarded the programs they are delivering as being based on what Aboriginal people “need”.

A better understanding is to accept that Aboriginal people are entitled to the same rights and services as everyone else. The programs being delivered should be seen as assisting in

delivering to Aboriginal people access to the services they have a “right” to receive. In some cases, services will need to respond more or differently to the needs of Aboriginal people so as to ensure the same ‘rights’ are received. Failure to do so should be seen as a fundamental breach of the duty of care of service providers.

Adopting a rights based approach to service provision would introduce a standard of engagement, alleviating this situation. The United Kingdom Audit Commission has commented that those organisations that have adopted and embedded human rights principles in their every day operation provide much higher levels of service to the public.⁸

During the course of our consultancy we encountered many barriers to Aboriginal inclusion not falling within the ambit of a lack of Cultural Competency.

We also observed that in a number of cases concerns about Cultural Competency on the part of both service providers and Aboriginal people led to worse outcomes than all parties intended.

⁸ From a 2004 speech by J Strachan quoted in Butler, f(2005) Improving Public Services: Using Human Rights Approach: Strategies for wider implementation of the Human Rights Act within public authorities, a report for the UK Department of Constitutional Affairs by the Institute of Public Policy Research, available via www.ippr.org

5 THE RELATIONSHIP BETWEEN THIS FRAMEWORK AND THE HUMAN RIGHTS CHARTER

Human rights cannot simply be “given” to people. Enjoyment of human rights results from the consistent application of appropriate strategies that require society to behave in a manner which affords human rights to all of its members. It is the application of strategies such as those recommended in the framework proposed by this report that bring about human rights.

The Victorian Equal Opportunity and Human Rights Commission identify some fundamental differences between needs based and rights based approaches to program delivery:

- *“Human rights go beyond the notion of physical needs and include a more holistic perspective of human beings in terms of their civil, political, social, economic, and cultural roles*
- *Rights always trigger obligations and responsibilities, whereas needs do not. Rights cannot be addressed without raising the question of who has obligations in relation to these rights. This automatically raises questions about the actions and accountability of duty-bearers.*

- *People are often expected to be grateful when their needs are met; this is not the case when peoples’ rights are met. This reminds us not to campaign for “the needy”, but rather to support marginalised people as equal human beings in their efforts to claim their rights and address the poverty, suffering and injustice in their lives.”⁹*

This Aboriginal Inclusion Framework is intended to comply with the Human Rights Charter forming part of the law in Victoria.¹⁰ It is intended to assist public authorities to comply with their positive duty to provide freedom, respect, dignity and equality to Australian citizens.

The Human Rights Charter should inform the design and implementation of all frameworks like the Aboriginal Inclusion Framework. In particular, it requires the framework to:

- Assist the participation of Aboriginal people in society and in their use of mainstream services
- Improve the accountability of both service providers and service recipients
- Reach out to Aboriginal people not currently using services which should be available to them

⁹ Victorian Equal Opportunity and Human Rights Commission from Principle to Practice; Implementing the Human Rights based approach in Community Organisations, Page 23

¹⁰ Charter of Human Rights and Responsibilities Act (Vic) 2006

- Empower Aboriginal people, and
- Make specific linkages between the framework and other international treaties and human rights covenants.

In the design and implementation of this Aboriginal Inclusion Framework, getting the process right is just as important as the outcome. Fundamentally, what the framework should assist is moving service provision to Aboriginal people from a **needs** basis to a **rights** basis. Aboriginal people, just like other minority groups in our community, should be *“everyday people with everyday rights.”*

It is important that the process for the design and implementation of this framework involve respectful listening to the wishes of Aboriginal people and sharing with them the responsibility for the design, implementation and accountability of the framework and programs that arise from it. The Victorian Government has a legal obligation to comply with the Human Rights Charter. In particular, there are specific rights granted by the charter which have to be recognised and supported by this and other frameworks and programs. Some of those rights are as follows:

The Charter of Human Rights and Responsibilities Act (Vic) 2006 (the Act) came into full effect early in 2008. It asserts cultural rights in the following terms:

“19 Cultural Rights

- (1) *All persons with a particular cultural, religious, racial or linguistic background must not be denied the*

right, in community with other persons of that background, to enjoy his or her culture, to declare and practice his or her religion and to use his or her language.

(2) *Aboriginal persons hold distinct cultural rights and must not be denied the right, with other members of their community - to enjoy their identity and culture; and*

(a) *to maintain and use their language; and*

(b) *to maintain their kinship ties; and*

(c) *To maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.”*

The Act imposes obligations on the conduct of public authorities in the following terms:

“38 Conduct of public authorities

Subject to this section, it is unlawful for a public authority to act in a way that is incompatible with a human right or, in making a decision, to fail to give proper consideration to a relevant

6 CONSULTATIONS

6.1 “Having a Yarn”

In the course of our consultations Aboriginal people told us many stories about their good and bad experiences. The scope of this consultancy does not permit verification of specific incidents and that has not been attempted.

We have based our recommendations on what we were told, on available statistics and on our observations of the behaviours and attitudes of the service providers who attended our consultations. We have included some of those stories in this report, in good faith.

Regardless of the accuracy and “proximity to the teller” of some of the stories told, the fact that they were told to us is strongly indicative of the feelings and views of those consulted.

Many of those consulted wished their contributions to remain anonymous. Consequently we have not identified specific sources for many of the anecdotes in this report.

6.2 Service Providers

In each consultation with service providers similar issues were raised.

It would appear that service providers in all regions consulted face similar problems.

Numbers of employees are limited by resources, but community needs are still overwhelming.

There is confusion regarding culturally appropriate behaviour. It was observed that although many service providers were aware there was a need to address local Aboriginal issues, they were unaware how to provide culturally appropriate services.

There appeared to be confusion surrounding how to engage with the local Aboriginal populations.

Some agencies with representatives attending the consultations appeared to have little or no knowledge of their local Aboriginal population.

Many service providers had no engagement with Aboriginal people on a professional level and the mainstream community and Aboriginal community in the regions had almost no engagement socially, except perhaps through sport. This lack of knowledge appears to cause uncertainty and unwillingness to engage amongst service providers.

Although some had undergone cultural competency or awareness training, this appeared to encourage less engagement with the Aboriginal community in some cases. Many service providers consulted, cited the potential to

cause offence, as justification for failing to engage with the local Aboriginal community.

Chief amongst the fears was that of causing offence to Aboriginal people by drawing attention to their difference.

This would arise, it seems, in the very fact of having a different service for Aboriginal people. The examples of cross-cultural training, with one exception, which were related to us during the consultations had heightened fear and apprehension rather than lessening it.

6.3 Aboriginal Community Members

Those participating in the regional and metropolitan consultations represented many varied positions within localised Aboriginal populations; parents, teachers, council workers, small business owners, service providers, Co-op CEO's, liaison officers, students and more. This representation allowed conversations regarding each community group to cover many topics and raised varied issues informed by each individual's experience, as well as the experiences of the group as a whole.

Participation in some consultations was reasonably limited and affected by numerous elements, some of which will be addressed by this framework.

When raised, various explanations were offered for the limited numbers of community members in attendance. It was mentioned on several

occasions that consultations were common but noticeable results in their areas following from these, were not. This has resulted over time in an apparent level of distrust. It was expressed at several consultations that community members did not believe consultations produced any change for them.

This attitude was apparent throughout the consultations. Much of the information we received came from chatting after the consultations had ended or was gathered outside in quiet conversations. There were a lot of comments that people were not comfortable making in front of the representatives from Government.

The current need for improvement in communication between the Government and those on a local level was evident in the limited numbers. It was also mentioned that there was no information provided prior to the consultations.

It was observed that similar problems have manifested throughout Victoria. It was apparent that current disadvantage would be effectively addressed, across Victoria, by the implementation of new standards of engagement.

Participants often expressed discontent and anger. On numerous occasions, accounts of unsatisfactory engagement which entailed shocking confrontations or conflicts with various local service providers were heard.

A degree of frustration was expressed on numerous occasions regarding the lack of participation in current policy and program development and delivery.

These barriers currently preventing effective and positive engagement with the Aboriginal population are causing a degree of despair to many Aboriginal people.

7 BARRIERS AND SUCCESS

7.1 Communication

It was apparent throughout the consultation process that communication difficulties are a major barrier in addressing current disadvantage.

There were concerns raised consistently regarding communication between Governments, local service providers, Aboriginal Peak Bodies and community groups.

Without thorough systems of communication, the people and organisations consulted expressed feelings of isolation and exclusion from policy and program design and decisions.

See Recommendation 1

7.1.1 Consultation

There were remarks made at most consultations about how grateful both service providers and Aboriginal stakeholders were that someone was taking the time to listen to their

concerns. They held the view that they had not been heard for a long time.

It was observed in consultations that there is a feeling of being outside the process of decision making for Aboriginal communities.

Aboriginal community members expressed frustration at feeling as though they could identify their regional problems but were not being effectively consulted with to make a contribution to finding a solution.

Service providers in several regions noted that if they went to all the consultations required of them, they would be left with no time to offer services to their areas.

At one consultation it was mentioned that there used to be a quarterly forum with the Department of Human Services. The forum lasted for three days and on the third day the Minister would attend. Anyone who had a grievance or idea could come and be heard. These forums were ended.

“The head doesn’t know what the foot is doing”

Consultation Participant

“We don’t get to see the reports that are about us.”

Consultation Participant

An atmosphere of anger and defeat was apparent in all regions when discussing consultations; it appears as though some people have come to the conclusion that there is no one to talk to who will make an impact on their current circumstances. Improving engagement will be a key element of how to translate learnings from consultations into outcomes.

See recommendation 1

7.1.2 Service Engagement

It was said several times that in situations of need, community members did not know who to contact or which service to approach, and so chose not to act at all.

For example, some local hospital administrators mentioned that Aboriginal people in their areas often presented to the hospital only when their conditions had become severe.

See recommendation 7

7.1.3 Service Co-operation

There was a lack of liaison and communication between service providers observed in our consultations.

In many cases it was noted that agencies struggled when confronted with a case that required several services to find solutions. Individuals who need help with housing, health and education expressed frustration at the difficulties in engaging with several services when each operated differently and had different requirements.

Some service providers who attended the consultations had not spoken to other local providers before the consultations. They tended to operate within their silo and not interact laterally with other services.

Several service providers said it was hard to provide services without knowing about other providers in the area that could assist. It would be worthwhile for service providers to create local service networks.

See recommendation 7

7.1.4 Middle Management

There was a feeling expressed by many service providers present at consultations that there was no effective way to convey needs to a higher level within the three levels of Government. Without a chain of command allowing support and assistance, it appeared workers were unaware of whom to

contact when overwhelmed with current conditions.

Similarly on several occasions, members of the Aboriginal community expressed frustration at not knowing who to contact when unhappy with the results of engagement with local agencies. There was no ability to report poor behaviour to a senior manager or ombudsman because in many cases community members did not know these avenues existed.

See recommendation 8

7.1.5 Lack of consistent support for liaison positions

Aboriginal Liaison Officer (ALO) type roles are seen by Aboriginal communities as being of tremendous importance.

Wherever this role is established, be it in the health, employment, education or justice sectors, it has a significant impact not only on the delivery of services but also on the Aboriginal community's perception of the service provider.

Such assistance is required to overcome access problems caused by complex application processes, feelings by community members of ignorance,

apprehension and shame, and lack of Aboriginal inclusion on the part of service providers.

However, the creation of such roles creates a certain level of expectation from the community. There is the expectation that the position is permanent, which is not realistic with high stress and low pay currently experienced by staff.

Some service providers have failed to have the position renewed upon the departure of the serving ALO.

It is important that workforce support includes effective recruitment and proper training.

At one of the consultations, an ALO spoke of how upon the commencement of their employment, no handover was given to them and very little job support was provided. The ALO was left almost to devise their own job description. Another example was also given about several workers who did not have the experience to deal with complex client needs and therefore could not provide the services required.

Consequently workers suffer emotional stress due to minimal training and experience in dealing with what can be highly traumatic situations.

The consultations heard a number of examples relating to the lack of consistent support for ALO type positions in both Commonwealth and State Government funded agencies.

Examples included large workloads such as one Centrelink employee who services 300 clients and an ALO that services four Hospitals.

See recommendation 10

7.2 Aboriginal Service Providers and Advocacy Organisations

At some consultations participants expressed their views that Aboriginal peak bodies, service providers and advocacy organisations receiving funding from Government, do not appear to be answerable to Government for any level of improvement in the delivery of services to Aboriginal people.

Performance measures and accountability for the organisations themselves or their members was unclear.

In consultations with Aboriginal communities discontent was expressed regarding current operation of some local co-operatives by representatives of the Aboriginal population that these cooperatives service.

It was observed that many members of local communities feel misrepresented by their peak bodies and other Aboriginal organisations and this was felt to be contributing to inaccurate and ineffective use of funding.

It was apparent that currently there is a barrier between Aboriginal communities and the governing bodies. Community members sometimes considered themselves as having no effective role administering change to their own communities.

Several key concerns were consistently raised:

- Aboriginal peak bodies and some services are not being run properly, and need to be governed by more rules and be more responsive to the community.
- Some current Aboriginal leadership structures were seen as being misled by personal interests.
- Disagreements between families can interrupt the availability of the service to the whole community.

See recommendation 14

7.3 Systemic Racism

7.3.1 Misreading Racism

Another barrier for Aboriginal inclusion is systemic racism.

Racism was a formal and deliberate feature of the Australian constitution and a great deal of historical legislation; it remains a formal feature of Australian legal and constitutional life, according to a number of legal scholars (see William 2000).

The ‘race power’ of the Australian Constitution (section 51(xxvi)) was drafted, according to George Williams, explicitly to facilitate the enactment of racially discriminatory laws.¹¹

This was necessary, wrote Sir Edmund Barton, later to become the first Prime Minister, to ensure that the Commonwealth had the authority to “regulate the affairs of the people of coloured or inferior races who are in the commonwealth”.¹²

The issue of racial discrimination within the Constitution was grounds for

¹¹ George Williams, ‘Race and the Australian Constitution: From Federation to Reconciliation’ (2000) 38 *Osgoode Hall Law Journal* 639 , 646.

¹² Australia, Official Report of the National Australasian Convention Debates, Melbourne vol. 4, 1898 (1986) , 228-229, cited in George Williams, ‘Race and the Australian Constitution: From Federation to Reconciliation’ (2000) 38 *Osgoode Hall Law Journal* 639 , 649.

surprisingly little controversy at the time of its drafting. When Andrew Inglis Clark, Tasmanian Attorney-General proposed a provision similar to that in the United States Constitution requiring the equal protection of the law, it was explicitly rejected on the grounds that it might have prevented the Federal and State Parliaments from discrimination on the basis of race, particularly Western Australian laws under which no Asiatic or African alien could get a miner’s right or go mining on a gold-field.¹³

While many of the beliefs about ‘inferior races’ and social Darwinism remain part of Australian attitudes, according to social scientists, racism has taken new forms of behaviour and is expressed in new social discourses. This ‘new’ racism was evident during the consultations.

There is a growing view in the social sciences that efforts in the twentieth century by the United Nations and other national, regional and international bodies to overcome the scourge of racism have met with resistance, and even a resurgence of organised racism in recent times. Social scientists have found the ‘new’ racism is a new way of expressing old racist views and

¹³ George Williams, ‘Race and the Australian Constitution: From Federation to Reconciliation’ (2000) 38 *Osgoode Hall Law Journal* 639, 650.

“The schools are expecting our kids to under achieve”

Consultation Participant

organising social life on the basis of new forms of exclusion or by using the 'new' justifications for exclusionary actions.

There is widespread misunderstanding of the terms 'race,' 'culture' and 'ethnicity', and a failure to tackle the misunderstandings by the Victorian Government in its Aboriginal Affairs policies. The emphasis on cross-cultural training and 'cultural competence,' rather than overcoming these misunderstandings, potentially reinforces old racist concepts. Rather than enabling Victoria's citizens to relate to each other well, some of these 'training' programs are unwittingly providing a new language of racism.

Terms such as 'culture' and 'cultural competence' are seen as a more acceptable way of expressing racist concepts. For example, non-Indigenous people said during the consultations in reference to Aboriginal unacceptable behaviour, 'That is their culture,' by which they clearly mean, 'All Aboriginals are incapable of performing at the acceptable standard because of their race.'

Some discussion of the concept of 'race' is necessary to explicate the findings set out here. The understanding of modern social

scientists (see Rigsby 1998) is that the concept of human biological 'races' is largely invalid and there is a growing sentiment that the term race should not be used at all by social scientists. 'Much current anthropological discourse about race proposes that we abandon the term.'¹⁴ In the words of American scholar, Appiah, the only human race ... is the human race.'¹⁵ Rather, the almost universal view is that the term 'ethnic groups' and similar labels should be used instead. In an article in the Proceedings of the Royal Society of Queensland, Emeritus Prof Rigsby describes its use as a justification for racist exploitation by European colonisers of many of the peoples of the world as slaves, cheap labour and land expropriation: 'The race paradigm provides a worldview and ideology which rationalize and justify discrimination, exploitation and oppression (see American Anthropological Association Draft Official Statement on Race 1997).'¹⁶

¹⁴ Bruce Rigsby, "'Race' in Contemporary Anthropology", *Proceedings of the Royal Society of Queensland* 107:57-61(1998). Redacted, September 29, 2003

¹⁵ K. Anthony Appiah, Race, Culture, Identity: Misunderstood Connections, The Tanner Lectures on Human Values, Delivered at University Of California At San Diego, October 27 And 28, 1994, pages 54-55.

¹⁶ Bruce Rigsby, "'Race' in Contemporary Anthropology", *Proceedings of the Royal Society of Queensland* 107:57-61(1998). Redacted, September 29, 2003

In our consultations a story was told of several children in grade 1 and 2 being spat on by an older child in the school yard. When the parent confronted the principal with the problem, rather than have a solution reached, they were told that the children at the school "wouldn't do that".



Although consultations did not include direct questions relating to this, it was clear that there was little evidence of an understanding of the findings of modern social science on the significance of ethnicity in social life and the invalidity of the concept of race when applied to human behaviour. On the contrary, many Aboriginal people themselves seemed to subscribe to outdated racist ideas about the Aboriginal race.

These entrenched beliefs in the Aboriginal community about ideas concerning 'racial' origins, 'inferior races' and racist idea of the inherent incapacity of Aboriginal people as a result of their 'racial' origin, underlie to a large extent the practice of self exclusion; that is, Aboriginal people exclude themselves from Government services, such as education, in the mistaken belief that that they are incapable of achieving the accepted standards. Another common attitude leading to self exclusion was the racist and fatalistic belief that 'we are going to die young anyway' as a justification for failing to report to a hospital or clinic for treatment for an illness with observable symptoms. This appeared to be common in instances of kidney disease, heart disease and diabetes.

The level of exclusion of Aboriginal people from services in Victoria remains unacceptably high, especially essential services in health and education.

Racism towards Aboriginal people in Australian society takes a number of forms.

It is entrenched not only in individual behaviour and institutional forms but also in social and cultural patterns of behaviour and beliefs. During the consultations, many examples of racism were related to us.

Most concerned the exclusion of Aboriginal children from schools; some concerned treatment at hospitals; others occurred in relation to child protection; and, even during the consultation meetings, the racist beliefs and behaviour of some of the participants was evident. There was also evidence of structural or institutional racism related to us during the consultations.

See recommendation 2

7.3.2 Self Exclusion

An obvious and observable expression of Aboriginal self exclusion as the result of racist beliefs became evident in consultations. When questioned as to why Aboriginal people failed to use the

mainstream services available to them, the explanations for self exclusion put to us by both Indigenous and non-Indigenous participants was that the services were regarded as 'mainstream,' an expression that almost universally seemed to mean 'for non-Indigenous people only.'

These were not critical explanations but rather naïve expressions that indicated that even the change agents working in the Aboriginal community controlled sector and specialist Government agencies and services themselves believed that 'mainstream' services were designed for the dominant population on the basis of race, while services for Aboriginal people were designed on the basis of racial difference and with no expectation that good outcomes were possible.¹⁷

See recommendation 11

7.4 Cultural Competency Training

The intention of cross-cultural training - to make people more competent in dealing with people from other cultures - has not been achieved in many cases. Rather, some of the consultation participants were less competent, because they used the concepts of the cross-cultural training - 'culture',

'difference', and most critically, the potential to cause offence - as justifications for failing to engage with the local Aboriginal community.

We discovered during the consultations that fear and apprehension was significant in the explanations from non-Indigenous service providers as to why they had failed to engage with local Aboriginal people. Chief amongst their fears was the fear of causing offence to Aboriginal people by drawing attention to their difference.

This would arise; it seems, in the very fact of having a different service for Aboriginal people. The examples of cross-cultural training, with one exception, which were related to us during the consultations had heightened the fear and apprehension rather than lessening it.

During one consultation, it was explained to us by a group of non-Indigenous people from a community service with affiliations to a church that although they had undertaken three days of cross cultural training at a regional centre some distance away, the training had not provided them with any information 'about who the local Aboriginal people were.'

At the time, present at the meeting were a number of local Aboriginal people who were resident in the town. When the community service workers were asked by the consultants, 'why haven't you knocked on doors or approached the local Aboriginal organisations?' their reply was startling. 'We don't want to appear to be making a mistake, being culturally insensitive.'

See recommendation 2

7.4.1 Lack of effective advertising for services

How can people access services if they have no knowledge of their existence?

Based on the views expressed at consultations there is a substantial lack of awareness within Aboriginal communities about what services are available and how to go about accessing them. In all consultations the lack of promotion of services was mentioned. Communities expressed concerns about the number of people accessing services being directly linked to people's knowledge of them.

In many areas a desire was expressed for increased funding to provide posters and pamphlets to alert people to the existence of the service. People do not

ask for assistance because they do not know it is available.

One Aboriginal person spoke of having had a "dropped foot" for 16 years and not knowing they could access a \$60 insert to assist their problem. Funding needs to provide for promotion materials to increase awareness and dispel uncertainty surrounding accessing available services.

Programs must be advertised in the appropriate places for the target audience. In addition to Aboriginal Cooperatives and community centres it would be useful to use the same means of communication used by the target audience - including mobile phones, the internet, local radio and local newspapers.

One successful example involved a television advertisement aired to promote health services and improve inclusion of the local Aboriginal community.

The advertisement showed members of prominent families from the area, allowing a familiar connection for the local community.

This advertisement allowed information sharing, designed to increase the familiarity and approachability of the

service and contributed directly to an increase in usage of the health services in the area.

Service providers in the area noted the particular success of this campaign.

See recommendation 13

7.5 Data discrepancies

There was a consistent view expressed at the consultations that ABS statistics greatly under counted Aboriginal populations in each area.

It was suggested in most consultations that under counting has resulted in under funding with agencies providing services to a far greater number than that which their funding is allocated in response to.

In several consultations administrators from local hospitals were present and all stated that their admissions records revealed a much higher permanent population as well as a transient population accessing the services than the population levels used in calculating their funding levels.

In two locations particularly, it was apparent that various surrounding regions were reliant upon centralised services. This is just one element

straining resources and resulting in less financial support than what is required by each area's population. Views were expressed that the consequence is over worked staff fulfilling the role of several workers.

Without the effective collection of data funding will always be based on inaccurate assumptions and will be inadequate for the real needs of regional communities.

See recommendation 3

7.6 Resourcing

7.6.1 Insufficient Funding

It is apparent from consultations that the level of funding, and the means by which it is acquired and the actual application of the funds need to be re-examined. Numerous problems were raised regarding the stringent process required to firstly apply for funding, and then retain the financial support to provide an on-going service.

It appears that current funding for Aboriginal services has a short term approach. This leaves service providers with insufficient information to manage programs properly, and Aboriginal communities not knowing what is available to them.

"There are a lot of people not knowing what to ask, or what the service can do"

Consultation
Participant

ABS figures for Mildura show that 3% of the population is Aboriginal. The hospital recorded more than 8% of admissions as identifying as Aboriginal.

It was suggested several times in different locations that under the current model of operation, the funding that is received is directed towards projects that do not benefit forward thinking but rather apply “band-aid solutions” to crisis situations.

One location mentioned there is not enough funding to provide buses or taxis for the elderly community members needing to access hospital services, so staff divide their time, acting as a taxi service for local areas. Another example included no funding for a car for the ALO’s, so staff collect people who need assistance in their personal cars.

See recommendation 4

7.7 Inflexibility of services

It was expressed in several regions that current program designs were not reflective of what Aboriginal community members wanted or needed.

The desire for flexible funding and for small scale application was mentioned.

See Recommendation 4

7.8 No action, No problem

It was apparent throughout the consultation process that although there was demonstrated need for services, due to various reasons such as fear of being culturally insensitive, or having a misunderstanding of Aboriginal culture, service providers were choosing not to act for fear of causing offence.

We heard from a service provider that it was easier to not assist those in need rather than cause cultural offence by getting involved in local conflicts.

In relation to child welfare services, there were concerns raised about the level of action in response to need.

There is a high level of anger on the part of Aboriginal people about the removal of children. This is coupled with the reported issue of some non-Indigenous Child Welfare Officers not engaging with Aboriginal parents and children because they are unsure of what is a cultural belief or right and what is unacceptable parenting. We also heard that this has resulted in children remaining in completely unacceptable situations.

It was mentioned that although funding was available for elders to purchase uniforms for lawn bowls, they cannot receive funds to travel to traditional lands with younger members of the community to participate in traditional passing of oral history.

“We currently get white funding against white guidelines”

consultant participant

Participants were unaware of any regular review on circumstances in their local areas. There did not appear to be any incentives for service providers to overcome the more complex issues that arise through providing inclusive services.

See recommendation 8

7.9 Lack of Aboriginal participation in Service Provision

Throughout consultations it was evident that services provided by Aboriginal staff and some Aboriginal service providers were highly valued.

In the present environment there are significant barriers which prevent Aboriginal people from being employed in service provision. These include:

- Qualifications required for advertised positions are often inappropriate. There needs to be flexibility in the formal qualifications required, such as degree qualifications for positions which may not be required. The real qualifications required are those which will make the provider effective. This should be identified through engagement with the local Aboriginal communities.

- A representative of Aboriginal communities should be invited on to selection panels for positions which directly service the local community.
- There should be more recognition of past experience. This is something that is highly valued within the Aboriginal community.
- Service providers should actively seek people to fill positions from within the local Aboriginal community, perhaps through exploring different recruiting methods and advertising.
- Service providers must ensure that proper training is given once employment has commenced.
- Ongoing support (mentoring and networking) and feedback about the role is also critical to retain staff.

See recommendation 6

“The Best psychiatrists I’ve found are my aunties”

Consultation Participant

8 ACHIEVING INCLUSION

8.1 Accountability

“What gets rewarded gets repeated.”

There seems to be substantial data in Victoria on Aboriginal participation rates in the provision of Government services in Victoria. The alarming disparity between those participation rates and the participation rates of the non-Indigenous community have lead to consideration of the framework proposed by this report. There is data on Aboriginal participation in hospital admissions, school attendance, appearance before the courts and other involvement in the justice system. What seems to be missing is any useful assembly of that data to provide a useful picture of individual communities.

While there are state-wide targets there does not appear to be any formal target setting for redressing the current appalling disparities in Aboriginal service participation, and any consequences for the service providers involved. As with the peak Aboriginal bodies in Victoria, our consultations suggested there seems to be no measurement of success in improving the current situation and no consequences for failure to effect substantial change.

There must be consequences for every service provision organisation, from an individual level to

an organisation level. Success in meeting realistic Aboriginal participation improvement targets should be part of every individual’s performance review. This proposition is not unworkable nor onerous.

It has proved completely successful in effecting very substantial culture change in relation to Occupational Health and Safety in the resource sector in Australia. The difficulties encountered in that case were identical to the difficulties here - the problem was that the status-quo was too hard to change. However, “top down” instigated change requiring individual accountability and accountability at every level of the organisation, has resulted in fundamental change in attitudes of the resources sector workforce over the last decade and reduced lost time injuries.

The same change is achievable in relation to attitudes and behaviours by service providers to Aboriginal service participation in Victoria.

Realistic targets need to be set and in conjunction with the Aboriginal communities affected. It would be reasonable to look to experience in other countries such as Canada and New Zealand to ascertain appropriate targets to set.

Aboriginal participation across all of the criteria were considered important and all of the

communities whose participation should be separately measured. The communities concerned in each case need to participate in the design and conduct of those benchmark exercises.

The relevant communities should then be involved with the relevant Government departments or organisations in reviews of progress, on a regular basis, with the results of those reviews being widely reported, including reported to Parliament in annual departmental reports.

In addition to measuring outcomes in terms of the effect of policies and programs on stakeholders, there needs to be assessment and measuring of the process by which policy and programs are delivered. Adherence to codes of conduct, compliance with checklists and similar matters relevant to the operation of Government in an inclusive and culturally sensitive manner need to be utilised, and the success of the process assessed on a regular basis.

Pledges of improved cultural awareness and competency mean little unless there is some way of holding service providers accountable to their pledges and a means for the Aboriginal community to provide feedback to the departments.

It was mentioned in one location that local Police allocate only two hours on one day to Cultural Awareness training for new recruits.

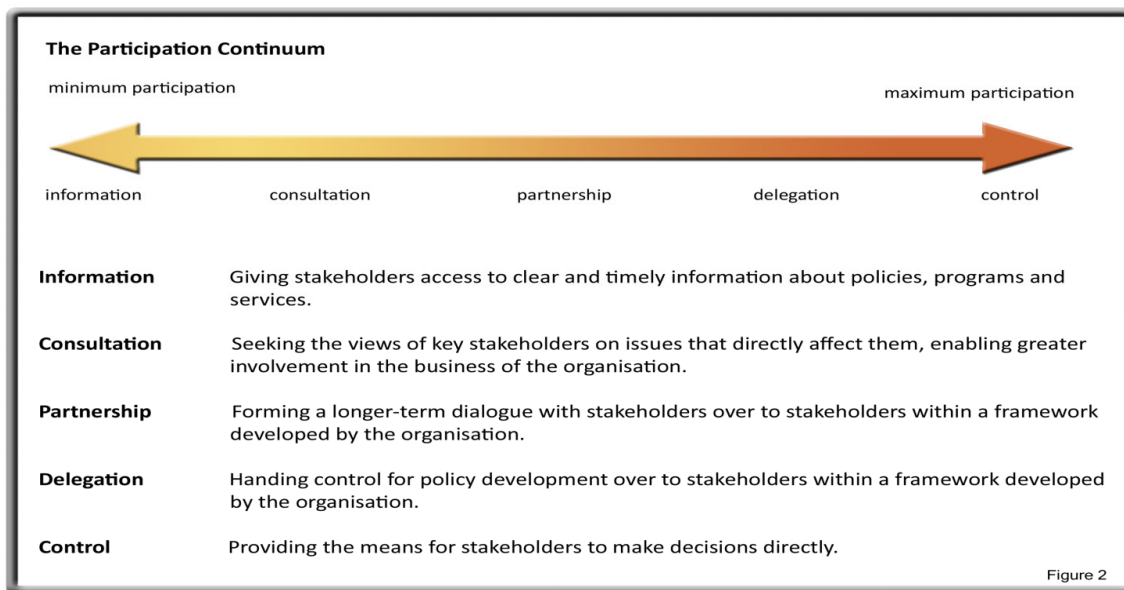
Mildura City Council requires staff to attend Cultural Awareness training and it is subsequently recorded in their Personal Development Plan, an initiative that has staff regularly set and review goals. Similarly, the Bairnsdale Regional Health Service has an Aboriginal Inclusion Plan in place as part of staff performance plans which is applicable in all levels of the organisation. Capacity in cultural competency in the organisation is directly linked to promotion opportunities and incentives.

See recommendation 8

8.2 Active Participation

A vital step to giving authority and responsibility to community members is to obtain their participation in the assessment of the situation, decision making and implementation of strategies, policies and services. The participation must be active, free and meaningful. Participants must be able to shape and determine the decision making process as well as able to contribute significantly to the realisation and monitoring of the program itself. This involves not just consultation, but committing the time and resources necessary to create the capacity for participation.

See recommendation 6



8.2.1 Effective consultation

Communication is the most important requirement for any Government department, agency or other body to interact with a minority group in a culturally competent manner. Unless the views of the minority community are known there cannot be culturally competent interaction with them. Cultural competence is based on understanding the other culture. That is based on:

- Asking their views and listening to the answers
- Giving them enough information so that they can make informed decisions
- Sharing responsibility with them for making decisions which affect them.

The first task is to identify the right stakeholders to talk to. That can be difficult. It is plain from the consultations undertaken that communicating only

with Aboriginal service providers and Advocacy agencies is insufficient.

There needs to be communication with local members of communities affected by the issue, proposal or service being addressed. For each proposed consultation it would be ideal to identify somebody who knows the relevant Aboriginal community and who understands the basics of the matter to be communicated.

That person should be asked with whom consultation should take place, and in what form and circumstances. If there is no reliable source of such information, effort should be made to contact a range of the persons known to be stakeholders in the relevant community or area, to seek the views of all of them about who should be consulted and in what manner.

Of course the usual advertisements and channels of communication should also be used.

It should be remembered that most of the Aboriginal population in Victoria are young. That leads to likelihood that consultation and communication must involve relevant young people if it is to be real community communication.

Given the general trend in Aboriginal culture for young people to respect and not oppose the expressed views of their elders, this raises some particular issues in relation to the method of communication and consultation. Certainly it appears the Aboriginal Peak bodies and service providers are run by the older generation and may not be providing a voice to youth, except through the eyes of their elders.

Substantial effort needs to be put into ensuring that the message to be communicated is clear and expressed in plain English. The same applies to every communication with any community group, regardless of their Aboriginality.

Effective communication with Aboriginal people should take into account that Aboriginal people have a strong oral culture. It follows that face to face communication is likely to be more successful both in the level of communication achieved, and in how effective the communication is seen to be.

It is easy for Governments and service providers to make assumptions about the level of understanding of community members about Government programs or intentions. The use of acronyms and “public service short hand” should be avoided. Unusual terms should be carefully explained.

Once all relevant Aboriginal stakeholders are identified, the rights and corresponding duties of each of the stakeholders involved in the communication need to be identified before the communication commences. What rights does each of the stakeholders have in relation to the matter to be communicated? Who of the people involved in the communication has the corresponding duty to ensure those rights are provided?

The next issue is to consider the capacity for participation of the relevant stakeholders. It may be necessary to provide professional or other assistance to community members before meaningful communication can take place and real consent can be obtained.

See recommendation 1

8.2.2 Participation

Consultation with communities needs to be conducted prior to policy development, with further engagement to assess the response and consider input from the areas affected by the policy.

Implementing change with consent demonstrates inclusion and Government and the Aboriginal people of Victoria can work together.

Consultation with Aboriginal peak bodies and service providers is no substitute for consultation with Aboriginal community members. There has been too little effective consultation with Aboriginal people.

There should be effective consultation with Aboriginal people to find out what their problems are in terms of accessing services and identifying current barriers. They should be listened to respectfully. They should be given responsibility for designing and delivering the services they need. Together with mainstream service providers, they need to be accountable for playing their part in improving Aboriginal inclusion in the provision of Government services.

There is the apparent desire to be consulted less, but more effectively to yield better results. It was observed that many Aboriginal elders are tired of Government and the community all looking to them to take the lead in expressing the views and wishes of their communities. They don't want to be consulted constantly, just shown respect.

It was observed in many consultations that the current method of engagement yielded results that did not satisfy the individual needs of each region.

Policy development must reflect both the overarching needs of Aboriginal Inclusion and address specific localised issues.

See recommendation 6

8.2.3 Local Indigenous Networks

The Local Indigenous Networks have great potential to improve the rates at which Victorian Indigenous people access services available to other Victorians and to improve their participation rates in their local communities. As a new

representative framework designed explicitly to enable greater engagement between the agencies, departments and programs provided by the Victorian Government and Indigenous people, it offers Aboriginal people the opportunity to identify local problems and take responsibility for finding local solutions.

The networks compliment other departmental representative structures through building the capacity and capability of Indigenous peoples to participate in local activities. This will help to strengthen the role of existing organisations as well as strengthen the role of the individual communities.

See recommendation 6

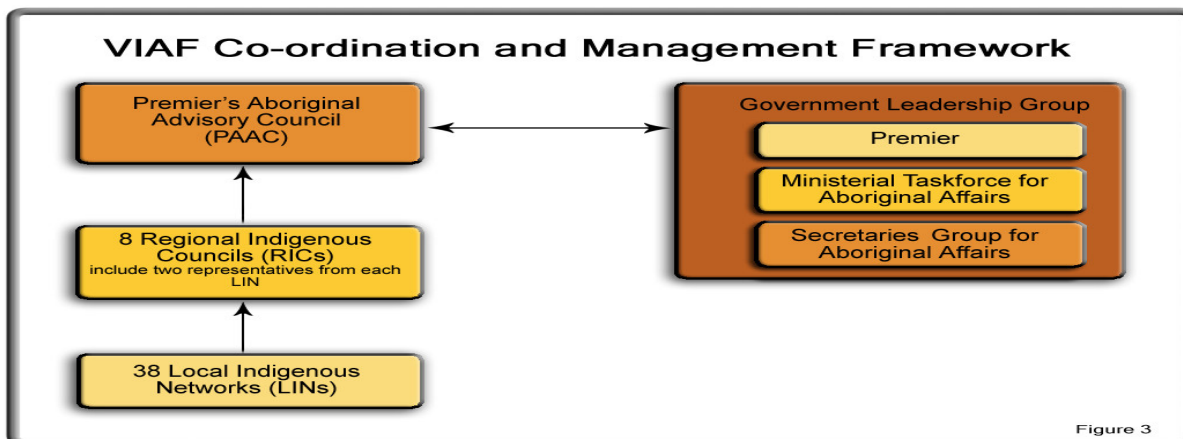


Figure 3

Aboriginal Affairs Victoria has established all 38 Local Indigenous Networks (LINs) constituted by 'Indigenous community members who work together to provide a voice for their community, identify local issues and priorities and plan for the future.'¹⁸ It is intended that there will be 8 Regional Indigenous Councils established by 2010 to complement the already established 38 LINs.

It is clear from our consultations that LINs are operating well in some places. The capacity of the local community members and the skill and experience of the LIN brokers appear to be factors in achieving success in establishing LINs and achieving successes.

A diagram in the Victorian Indigenous Affairs Framework explains how the Regional Indigenous Councils 'will also be the vehicle for getting the priorities and aspirations expressed by the LINs

¹⁸Aboriginal Affairs Victoria, *Local Indigenous Networks & Regional Indigenous Councils* <http://www.aboriginalaffairs.vic.gov.au/web7/AAVMain.nsf/allDocs/RWPCDCFD67C4D7DAE53CA2574A5002F8B30?OpenDocument>

into bigger arenas such as state-wide agencies, the Premier's Aboriginal Advisory Council, the Commonwealth Government and Regional Management Forums.'¹⁹

8.2.4 Aboriginal Recruitment

To address improved service provision there needs to be a concerted response to increasing levels of Aboriginal people as professionals in Government services in health, education and justice. There have been several successful recruitment drives in education through the University of Melbourne, Deakin University and through the DEEWR cadetship program which has enabled people to access wide ranging careers in the private and public sector.

¹⁹ Aboriginal Affairs Victoria, Department of Planning and Community Development, LOCAL INDIGENOUS NETWORKS & REGIONAL INDIGENOUS COUNCILS - A voice for Indigenous Victorians, 2007; [http://www.aboriginalaffairs.vic.gov.au/web7/aavmain.nsf/headingpage/sdisplay/indigenous+representative+arrangementslocal+indigenous+networks+\(lins\)](http://www.aboriginalaffairs.vic.gov.au/web7/aavmain.nsf/headingpage/sdisplay/indigenous+representative+arrangementslocal+indigenous+networks+(lins))

Centrelink developed a highly successful training model nationally that enabled Aboriginal people to move either into Social Work through on the job tertiary qualifications or enabled people to become Regional and Area Managers. These models need to be developed with a focus of increasing professional and para-professional participation in key services in Victoria.

Where a new Aboriginal position is appointed by an institution it must ensure that there is appropriate information on how the institution works and appropriate support for the occupant to do the job effectively and efficiently.

The role of the ALO type positions are seen by the community as being a position of tremendous importance. However, across the board it appeared that these officers need greater support and training to meet the objectives of their service.

Advertisements for ALO type positions needs to be accessible to Aboriginal people, considering how and where the advertisements are placed and the language in which they are expressed.

See recommendation 17

8.2.5 Demographic Requirements

One of the themes clear through all the consultations is the lack of Aboriginal involvement in service delivery, and the large responsibility on a small number of Aboriginal adults available to supervise the younger members of their

community, provide leadership, and undertake service provision roles.

The remaining portion of the adult population who are not too old to participate have a great burden to carry.

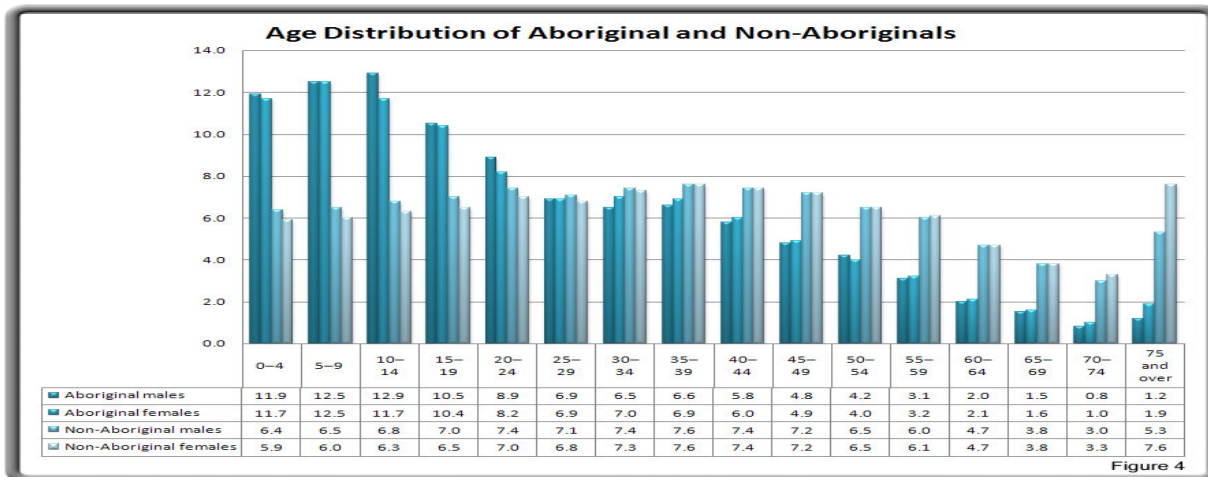
Research shows that many of those who are participating in the management of their communities are less healthy than they believe themselves to be.

Younger members of the community must be initiated into understanding their entitlements and be provided with assistance to strengthen their communities. The younger members of the Aboriginal population of Victoria should be considered in program development and engaged in consultations.

Policy development must reflect the need to effectively educate, house, clothe and employ young Aboriginal men and women. Programs addressing the low rates of school enrolment and retention need to be assessed.

Education needs to be provided for young Aboriginal people to assist them in overcoming current barriers of disadvantage and develop skills for coping with racist behaviour when at school or in the work place.

Mentoring programs to build cultural pride and community strength need to be considered to provide long term solutions.



8.2.6 Human Rights and Complaints

Finally, there needs to be an assessment of an organisation's current practice and whether there needs to be improvement in relation to key human rights principles. The basic human rights principles embodied in the Victorian Human Rights Charter include:

- Participation
- Accountability
- Non-discrimination
- Empowerment
- Linkages with human rights standards²⁰

“One of the fundamental dynamics of a human rights based approach is that every human being is recognised as a rights-holder who should be enabled as a key actor in processes and decisions

²⁰ Victorian Equal Opportunity and Human Rights Commission from Principle to Practice; Implementing the Human Rights based approach in Community Organisations, Page 11

*that affect them rather than being a passive recipient.*²¹

²²

While sound policies and procedures are important, organisations must minimise any gaps between policy and practice. That requires strategies to audit and monitor how policies and programs are being put into practice. One important component of that audit and monitoring process is the development and use of a rigorous complaint handling process.

According to the drafting committee of the Australian standard on complaint handling, there are a number of reasons why effective complaints handling schemes are important, including that they:

²¹ Victorian Equal Opportunity and Human Rights Commission from Principle to Practice; Implementing the Human Rights based approach in Community Organisations, Page 13

²² IBID Page 14

- Increase the level of user satisfaction with the delivery of services and enhance the user/agency relationship
- Recognise, promote and protect users' rights, including the right to comment and complain
- Provide an efficient, fair and accessible mechanism for resolving user complaints
- Provide information to users on the complaints-handling process for the service
- Allow for monitoring of complaints and endeavour to improve the quality of services.²³

Openness to input from stakeholders is fundamental to enable an organisation to assess the extent to which its policy and program objectives are being achieved. However, that by itself is insufficient. Structures need to be put in place to ensure that feedback from stakeholders is obtained in a targeted, accurate, useful manner, and on a regular basis.

Feedback arrangements must be appropriate to each group of stakeholders and responsive to specific stakeholder group situations.

²³ Dee, B (1997) The Essential Elements of Complaint Handling: a Discussion of the Australian Standard on Complaints Handling (AS4269) available at <http://www.accc.gov.au/content/index.phtml/itemid/95997>



Both regular feedback and complaints mechanisms need to be established, given uniform objectives as to what information is sought, and supported and encouraged to provide regular and accurate responses to the program and policy effort being undertaken.

It is vital that policy makers and program deliverers be able to ascertain whether their efforts are meeting with success. As mentioned above, the first requirement to achieve that objective is that the policy and program objectives be measurable. There needs to be quantitative and qualitative criteria for measurement.

See recommendation 9

8.3 Accountable Representation

In several of the consultations the issue of effective representation by Aboriginal peak bodies was raised. It did not appear to the local communities, that the peak bodies that were funded by Government, were answerable to Government for any level of performance. While there may be performance measures specified for them, many Aboriginal community members did not seem to be aware of them. They did not see the Peak bodies as being accountable for achieving any improvement in the delivery of

Government services to the Aboriginal community or improvement in the lives of Victorian Aboriginal people.

It may be timely to review the structures of many Aboriginal peak bodies in Victoria. All Aboriginal peak bodies should be formed to most efficiently and directly address clear Government policy. There should be a very clear understanding of the role of each peak body out in the community, as well as on the part of Government and those involved in the peak body itself.

In our consultations Aboriginal people expressed the views that some representative bodies' charters and powers may be more extensive than they are, and expressed widespread dissatisfaction with their performance. A consistent view expressed was that new structures are established at a local level which allow Aboriginal people to work more effectively with a range of service providers including schools, kindergartens, health networks and community services.

See Recommendation 8

8.3.1 Linking Services

At a number of our consultations, service providers discovered that they had strong mutual interests and

concerns and arranged to speak to each other to coordinate their efforts following our meetings. Local liaison should be a regular event.

Regular discussion and co-operation by services would enable all encompassing service delivery instead of isolated solutions for related problems; such as employment and housing.

There is the potential to organise this through the Local Indigenous Networks or other Aboriginal community controlled bodies in the area.

This inclusive approach would also address some of the current barriers caused by formal and confronting meeting settings.

There have been a few successes in this area, such as a regular meeting once a month for agencies to discuss service provision, across agencies, to allow greater assistance to the local community. This has assisted people who have previously had trouble obtaining help when problems encompass several departments. Through this process agencies are working effectively together to help people rather than sending people between departments and having them receive no help at all.

Another location's services are currently developing a localised service map of all services, both mainstream and Indigenous in the area, to assist agencies in better communication and referrals. Currently agencies have no knowledge of who to refer someone to if an issue encompasses several agencies.

See the Mildura Community Engagement Framework outlined in s.8.2 of this report.

See Recommendation 7

8.3.2 Flexibility for application of Resources

It would be useful if the provision of funding could be restructured to simplify the process of applying for funding. Often funding had to be secured from multiple departments, each with separate criteria and complex application processes.

See recommendation 4

8.3.3 Accessibility

Difficult to access services - There are impossible or inappropriate conditions for or obstacles to access to some programs - for example, you have

to get into trouble with the police to get into some learn to read programs.

There were reports during the consultations of people committing crimes in order to access these services. Other Community members noted that you have to be unemployed to get assistance with sending your children to school. One successful program run by ASHE in Shepparton has significantly reduced criminal activity by young Aboriginal people. It targets youth outside the mainstream (without requiring that they first be in contact with the police) and sets up a tailored program for their development, focussed on long term education and employment outcomes.

8.4 Education and Training

8.4.1 Close the Gap training

Rather than cultural competence training or cultural awareness training we need training to ensure that there is a responsibility by service providers to fulfil their duty of care to all of their customers including Aboriginal people in a professional ,courteous way that results in customer satisfaction. Service provision needs to assume that there is parity between the rights and aspirations of Aboriginal and mainstream community members in relation to jobs, education, health and participation in the justice system. "Close the gap" training should focus on

"We spend more time meeting the conditions of funding than providing the service itself"

Consultation participant

identifying Aboriginal people as “people”, not just a different “race”. It should involve informal social contact between service providers and Aboriginal people.

It is reasonable to expect that participation in an appropriate “close the gap” training package would result in service providers having a better understanding of the barriers to participation that many Aboriginal community members experience. Those barriers are often a result of poverty. The more those barriers are understood, the more likely it is that service providers will find ways to overcome them. That way, through effective social contact and real communication, “cultural competence” on the part of the service providers will steadily increase.

By contrast, our literature review and consultations found that cultural awareness training in isolation does not appear to have any demonstrated benefits.

See recommendation 2

8.4.2 Localised Cultural Awareness Training - Understanding the Local Community

Whilst many institutions have programs for teaching cultural awareness, a number of concerns and criticisms were raised.

Cultural competence or cultural awareness training alone is not the most effective way of improving Aboriginal inclusion in the provision of Government services.

Training needs to be tailored to the specific region in which it is being conducted. Across Victoria there are many different Aboriginal peoples each with their own specific culture and customs. Having the training conducted by locals will ensure that the training is locally relevant. It is for this reason that the Gippsland and East Gippsland Aboriginal Cooperative has started to provide their own Cultural Awareness trainers to companies and institutions in the region.

DEECD in Bairnsdale have had two training sessions for 70 staff conducted by Yarn Strong Sista, a locally owned Aboriginal business for Early Childhood and is making the program mandatory for all students training in the department.

In Mildura consultations all service provider representatives had attended three training sessions, one local, one conducted by Department of Human Services and another by Department of Justice.

The groups receiving the training must not be too large. Otherwise the training runs the risk of becoming a lecture. Within one group there will undoubtedly be people with varying levels of cultural awareness. Some people will have little to no knowledge of cultures that are not their own, some will be laden with preconceived notions whilst others will come to the training with cultural knowledge exceeding that being passed on in the training session. It is important that the cultural awareness training is tailored to needs and varying degrees of knowledge within the session. The smaller a training session is the more effective it is.

Follow up sessions are required. Having one training session at the commencement of employment is not enough to provide useful cultural awareness. At the Bairnsdale service provider meeting it was mentioned that the workers from the Department of Human Services had attended only one cultural awareness training session in four years. Furthermore, it is important that the training is compulsory; there is

no reason for anyone to be absent from the sessions.

A recent mining land use agreement requires whole of organisation cultural training every three years, and mandates training for all new employees within six months of commencement.

See recommendation 2

8.4.3 Knowledge of Entitlements

Members of the Indigenous communities of Victoria need to receive training to enable them to better identify and communicate inappropriate or insensitive treatment. It was observed that many were unwilling to express discontent or ask for better treatment, with expectations of racism becoming generational.

Aboriginal communities need to be informed of their rights, and how to proceed when those rights are not fulfilled in an adequate manner.

Similarly it was observed that racist behaviour in schools experienced by both parents and children is leading to a cycle of school absence and friction between mainstream and Aboriginal populations.

Children need to be taught how to combat racism in a school environment. The strength of character and expectations they have for the future their community are imperative. The desire to instil pride of culture, and build cultural strength and recognition amongst the mainstream population was expressed in many consultations.

See Recommendation 12

8.5 Long Term Commitments

It was observed that currently in regional Victoria there is an expectation that any funding received will likely to be pulled just as results are beginning to be achieved.

There were numerous mentions of effective programs in many communities which were shut down and not replaced. The issues faced by the Aboriginal population of Victoria cannot be quickly addressed. The criteria and application of current funding needs to be reassessed to better suit the current state of need seen in the Aboriginal communities consulted.

The state of crisis will need long term solutions with achievable goals and regular revision. It is not enough to address the symptoms of disadvantage; the causes must be addressed with long term funding and determination.

See Recommendation 4

8.5.1 Accurate Benchmarking

- It was mentioned in three consultations that the Aboriginal communities considered themselves worse off now, than they were 10 or 20 years ago. However, because no baseline studies appear to ever have been done there are no or very limited social indicators to test this belief.

It is necessary to undertake a benchmarking exercise for each Aboriginal Community. That process has to be accepted by the community in each case as being useful and accurate and include them in the development and collection of data about themselves. That will involve developing an appropriate generic survey tool and process to measure the baseline position.

That generic tool then needs to be settled by consultation with each community. Each Community needs to see the survey as relevant to them, capturing data on the things they think most important. At the same time it must measure as many things as possible consistently with other surveys of other Communities, to provided service

providers with a useful picture of the whole state.

Each community must then be substantially involved in its use to produce a result that community will accept and which is also useful to Government.

Development of community specific survey tools, in consultation with those communities should be a project undertaken soon. Systems and processes must be established to ensure that tool is used on a regular basis, to provide a consistent reporting of changes in the fundamental parameters of Aboriginal inclusion in each community. This is essential to enable the success of efforts to improve inclusion to be assessed.

Some excellent baseline demographic work has been undertaken by Dr John Taylor of the Centre for Aboriginal Policy Research at the Australian National University. His work on populations in northern Australia have underpinned social investments in the East and West Kimberley and the Pilbara.²⁴

See Recommendation 3

8.5.2 Responsive Funding

Funding needs to be based on accurate and regular data collection so as to provide funding appropriate to meet the needs of each region.

Both service providers and community members said they thought funding of projects needs to be structured to allow appropriate management/administration at the local provider level. There should be the capacity for flexible usage, allowing organisations to apply where needed on an individual basis, rather than be spent against a set of criteria not inclusive of the specific needs of Aboriginal communities.

At one consultation, it was stated that the CEOs of Aboriginal organisations do not have the time or knowledge to interface with departmental management about program operations and progress.

Program funding needs to be longer term, to avoid significant quantities of staff time being spent seeking renewal of short term funding. Short term funding leads to survivalism within the program/service being funded - this impacts the delivery of the service.

Currently there is a view that funding is only provided until a service is operating effectively then it is removed. It does not appear that success builds more

²⁴ J. Taylor Indigenous Populations in Pilbara

success with good programs gaining long term sustainable funding.

See Recommendation 4

8.5.3 Policy making and Program Design

Policies and programs must be based on principles clear to both the policy makers and the people affected by them.

Policy statements set goals and are always intended to be supported by programs to give effect to the policy. But adopting good policies alone is not effective. Consideration has to be given as to how decision making is undertaken.

As with all communication with Aboriginal stakeholders and any community group, the policies settled needs to be expressed in language which is accessible to the Aboriginal stakeholders it affects.

Program design should have goals that:

- Are compatible with human rights; and meet requirements for duty of care rather than a welfare approach and
- Are well documented; and

- Have measurable indicators and outcomes²⁵

Policy makers and program designers should carry out an analysis of the risks and opportunities inherent in the organisation's service delivery programs. Risks to the stakeholder relationship or the quality of service provision need to be identified so that they can be mitigated or avoided. Opportunities to help the organisation maximise its capacity for effective Aboriginal involvement should also be considered. In essence, a SWOT analysis should be incorporated in policy and program formation.

See Recommendation 5

“We got kids getting in to trouble with the police just to get the same chances, to get use of the programs”

Consultation Participant

²⁵ IBID, Page 24

9 CASE STUDIES

9.1 Local Indigenous Networks (LINs) and LIN Brokers

The Local Indigenous Networks partnership approach has great potential to improve the rates at which Victorian indigenous people access services available to other Victorians and to improve their participation rates in their local communities and organisations. As a new representative framework designed explicitly to enable greater engagement between the agencies, departments and programs provided by the Victorian Government and Indigenous people, it offers Aboriginal people the opportunity to identify local problems and take responsibility for finding local solutions.

The Lakes Entrance Local Indigenous Network (LIN) has achieved a number of successful outcomes. Aboriginal Affairs Victoria has established all 38 Local Indigenous Networks (LINs) constituted by 'Indigenous community members who work together to provide a voice for their community, identify local issues and priorities and plan for the future.'²⁶ It is intended that there will be 38 LINs and Regional Indigenous Councils

²⁶ Aboriginal Affairs Victoria, *Local Indigenous Networks & Regional Indigenous Councils*
<http://www.aboriginalaffairs.vic.gov.au/web7/AAVMain.nsf/allDocs/RWPCDCFD67C4D7DAE53CA2574A5002F8B30?OpenDocument>

will be fully established across all 8 regions of Victoria.

It is clear from our consultations that the capacity of the local community members and the skill and experience of the LIN brokers appear to be factors in establishing LINs and achieving local successes.

A diagram in the document prepared by Aboriginal Affairs Victoria explains how the Regional Indigenous Councils 'will also be the vehicle for getting the priorities and aspirations expressed by the LINs into bigger arenas such as state-wide agencies, the Premier's Aboriginal Advisory Council, the Commonwealth Government and Regional Management Forums.'²⁷

This partnership approach was developed in 2004 and 2005 when the Victorian Government extensively consulted with Indigenous communities around the State to look at new ways for Indigenous Victorians to have their voices heard and be part of solutions in their local and regional areas. The intention is that members of

²⁷ Aboriginal Affairs Victoria, Department of Planning and Community Development, LOCAL INDIGENOUS NETWORKS & REGIONAL INDIGENOUS COUNCILS - A voice for Indigenous Victorians, 2007, accessed 31 July, 2009 at URL:
[http://www.aboriginalaffairs.vic.gov.au/web7/aavmain.nsf/headingpagesdisplay/indigenous+representative+arrangementslocal+indigenous+networks+\(lins\)](http://www.aboriginalaffairs.vic.gov.au/web7/aavmain.nsf/headingpagesdisplay/indigenous+representative+arrangementslocal+indigenous+networks+(lins))

these networks will have the opportunity to 'to identify aspirations, local challenges and issues.'

In some areas, the network members meet regularly and have achieved some outcomes. LIN membership is open to all local Indigenous residents.

The purpose of these networks is to develop 'a local community plan to map assets and set out the vision, aspirations and priorities for their local community.' Local Indigenous Networks are supported by Indigenous Community Engagement Brokers²⁸ in each region who assist the community members in developing plans and organising a wide range of community events and gatherings and linking with local Governments and other service providers.²⁹ There are also some efforts being made for the training and professional development of LIN community members and fund raising through grant applications for governance training and event management.

The intention of this whole of Government partnership approach is that members of the LINs nominate one female and one male representative to a Regional Indigenous Council: Regional Indigenous Councils (RIC) will be made up of two LIN representatives, one male and one female, from each LIN in their region.

²⁸ Aboriginal Affairs Victoria, *Local Indigenous Networks & Regional Indigenous Councils*
<http://www.aboriginalaffairs.vic.gov.au/web7/AAVMain.nsf/allDocs/RWPCDCFD67C4D7DAE53CA2574A5002F8B30?OpenDocument>

²⁹ *ibid*

The role of the RIC is to provide advice to the Victorian Government on Indigenous issues from a regional and community perspective. They highlight community priorities identified within their region and their respective Local Indigenous Networks.

At the Bairnsdale consultative meeting on the 30th of June, 2009, the Local Indigenous Network Broker explained some of the positive outcomes that had been achieved in the Lakes Entrance and Lake Tyers communities. The Lakes Entrance Local Indigenous Network has 35 members. Successes include:

- A positive response in writing from the local housing association following a letter written at the request of the network members by the LIN broker about the need to employ Aboriginal youth in house maintenance and repair work; further the letters from the housing association provided them with information that had not been made available to them previously;
- A new Aboriginal flag is now flying outside the police station. The previous one was tattered and a request from the network received a prompt and positive response from the police;
- The LIN has re-established a reference group in the manner of a Local Aboriginal Education Consultative Group with the purpose of increasing the enrolment and attendance of Aboriginal children at local high schools'

- The LIN has also written to the local shire council in both 2007 and 2008, although we were unable to ascertain if there had been any positive results from those communications.

We were told at the Mildura consultations that there are 3 Local Indigenous Networks in the area, and that ‘two are operating well whilst one is stricken by politics.’

In Shepparton we were told that officers were ‘trying to develop links between LINS and the Shepparton indigenous community,’ but without success to date. One of the reasons suggested for the failure of the Local Indigenous Network concept to be accepted in Shepparton was the experience of being a designated trial site under an earlier Commonwealth of Australian Government’s initiative. The progress of the trial has been extremely slow and the view was expressed that the results had been disappointing. The Local Indigenous Network was seen as a replication of the COAG trial site approach, and there was a hesitance by indigenous people to become engaged in yet another round of intensive consultations with little to show for their efforts.

However there was concern expressed in some consultations that there was the potential for LINS to be established without much information available on its development, resulting in benefits for individuals rather than the community as a whole.

9.2 Mildura Rural City Council Community Engagement Framework

Discussions with Mildura Rural City Council staff indicate a commitment to social inclusion of Indigenous residents of the Local Government Area (LGA) in the programs available, community planning and the life of the community. Their explanation of the Mildura RCC Community Engagement Framework and plans to ensure that Indigenous people in the LGA participate brought to our attention two measures that show great potential for improving the access of Indigenous people to services and the outcomes. The use of social indicators to measure access of residents to services and the outcomes, and the employment of a Project Officer - Indigenous Communities. The Mildura RCC has a clearly articulated approach to social inclusion, and despite the lack of Indigenous specific social indicators, the approach nevertheless provides a rigorous, evidence-based (and thus measurable) approach to the challenge of Aboriginal inclusion.

Social inclusion in the Mildura RCC framework is based on an explicit acknowledgement of the cultural and linguistic diversity within the LGA and the contributions to the social and economic life of this diverse population.

Mildura with its rich cultural heritage has come to be home to people from over 52 different cultural backgrounds. This said, it is essential that we recognise the contributions that they make both to the economy and to the diversity that they bring with them into our community. And it is with this in

mind that a Social Inclusion Strategy has been developed, by which a 'Social Inclusion Project Officer' has been appointed. Creating greater access to Council Services for Culturally and Linguistically Diverse (CALD) members of our community and to assist Council to develop strong networks and relationships with CALD communities to ensure Council is aware of what is impacting on CALD groups.

To date, with the exception of the employment of a Project Officer-Indigenous Communities³⁰ with STEP funding, the Mildura Rural City Council has not consulted with Indigenous communities about the Social Inclusion Community Planning project. It is intended that the newly appointed Project Officer - Indigenous Communities will conduct consultations some three to four years after the commencement of the project. It was indicated during the consultations that the Project Officer would be 'looking at what Indigenous locals want in engagement' and 'looking at safe places to meet' and other matters that would enable better engagement with local Indigenous people. The Project Officer had assisted in local council cultural awareness training aimed at creating a safe and inviting workplace and community.

The community planning process has been designed on the basis of social indicators developed for the Mildura Rural City Council by Emeritus Professor Tony Vinson (UNSW, Hon. Professor, University of Sydney and Patron, Mallee Family Care), and Brian Cooper (Social

³⁰ For further information please contact Gloria Clark 'Project Officer Indigenous Communities' on Ph: (03) 5018 337 or email: gloria.clark@mildura.vic.gov.au



Planning and Community Mapping Mildura). Moreover, the 2006 Report *Mildura Social Indicators 2006* has no dedicated social indicators for Indigenous people residing in the city council jurisdiction. Two mentions of Indigenous people are made in the report in relation to infant birth weight and population figures. There are 1115 Indigenous people residing within the borders of the Mildura Rural City Council. (The 2008 report on social indicators was not available at the time of writing.)

Despite the lack of any specific indicators or attention so far to the engagement or social inclusion of Indigenous people in this local Government area, the Community Engagement Framework has great potential, especially with the employment of a dedicated Indigenous officer to improving the outcomes of local Indigenous people across a range of indicators. The approach is designed to ensure 'linked-up' services and collaboration in delivery, enabling greater social inclusion by informing residents and enabling them to take the initiative in accessing services.

The Community Engagement Framework combined with the Social Indicators provides both the mechanism and the tool for identifying opportunities to work collaboratively. It is envisaged by approaching community issues in this way and identifying issues as 'everybody's responsibility' and not just belonging to a particular organisation, that stakeholders will be able to complement one another's programs and initiatives, strengthen relationships between

organisations, and collectively utilise resources in an innovative and outcome-focused way.

The Mildura Rural City Council developed this framework with the aim of developing:

- Integrated community planning where there is a whole of Government approach to improving and measuring social, environmental and economic standards - in a geographically isolated region. A holistic approach to issues is taken in the community rather than the traditional compartmentalised approach.
- The purpose of social indicators is to provide an integrated perspective on the community in a manner that ties together the various contributing factors to community wellbeing. It is important to look at not just one indicator in isolation, but take into account that they are all interconnected and have some influence on others.

The community planning approach is designed for a relatively isolated rural local Government area so that:

- People are enabled to become actively and genuinely involved in defining the issues of concern to them. It is about asking what direction the community wants to take in moving forward - 'a bottom up' approach
- Community Planning tackles social inclusion, engagement of community, capacity building, builds social capital and increases participation in everyday life.

The towns of Merbein, Nangiloc / Colignan, Murrayville, Underbool, Walpeup and Ouyen have completed Council endorsed Community Plans.

The Community Plan for Red Cliffs is being developed and planning in other towns is scheduled to commence in the near future.

The Project Officer—Indigenous Communities is presently planning a series of consultations with Indigenous communities and families throughout the LGA to ensure that they are involved in the community planning process. The Project Officer's duties are described as follows:

- Assist Indigenous community organisations to identify their needs, participate in decision making and develop appropriate services and facilities to meet those needs
- Assist local community groups in planning, developing, maintaining and evaluating community resources, programs and support networks
- Support, develop and evaluate strategies that encourage Indigenous community participation in activities
- Research, analyse and assist all Council departments in developing Indigenous community service policies
- Communicate frequently with community groups, welfare agencies, Government bodies, non-Government organisations and private businesses about services within the community; particularly in relation to the provision of services to the Indigenous community; such as health, housing, welfare and recreation etc

- Help raise community and public awareness of issues such as human rights and social inclusion, by promoting, organising and/or helping to coordinate events, activities, meetings/or forums.

9.3 Aboriginal Justice Strategies

9.3.1 The Victorian Aboriginal Justice Agreement

At the consultations at Warrnambool and at Bairnsdale, some local Aboriginal people who attended the meetings gave high praise to the programs developed under the Victorian Aboriginal Justice Agreements. There was particular mention of the success of the Regional Aboriginal Justice Advisory Committees (RAJAC)³¹ and the Koori Courts. There was praise also for Victorian Aboriginal public servant, Andrew Jackomos, who played a key role in developing the Agreements and policy. It was noted that the presence of a senior Indigenous public servant was critical to the success of these developments because the concerns of 'local' Aboriginal people had received attention as a result and had been translated into an effective policy through good consultation and policy development processes.

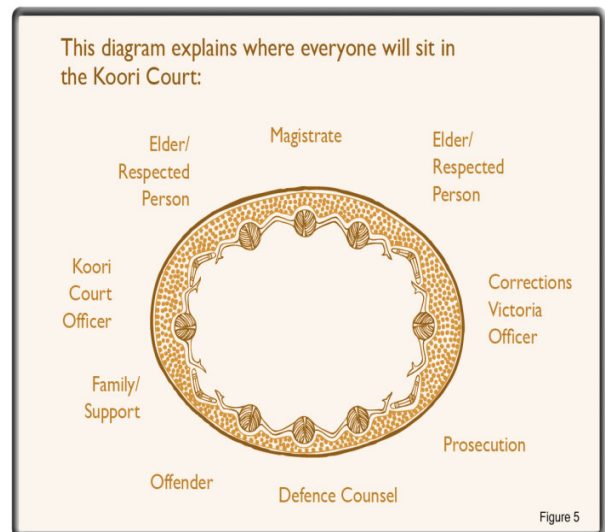
9.3.2 The Koori Court

Created in 2002 the Koori Court system is seen as a successful addition to the court system, bringing

³¹ Victorian Aboriginal Legal Service, *Fact Sheets* <http://www.vals.org.au/faqs/rajac.htm>

cultural awareness and understanding to what is otherwise a sterile and intimidating process. The Koori Court is applicable to any case that can be heard in the Magistrates Court with the exception of some family violence offences and all sexual offences.

By removing the formal court structure and bringing respected members of the community to a round table discussion it is generally thought that the end results are fair and meet the specific needs of the defendant.



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9.3.3 RAJACS

In addition to the consultations, we examined the newsletters of the RAJACs and the positive views expressed at meetings were confirmed by the successful outcomes and developments reported. By example, the Gippsland RAJAC newsletter

³² Department of Justice, *Koori Court A Defendant's Guide*, Government of Victoria Department of Justice, Melbourne, http://www.magistratescourt.vic.gov.au/wps/wcm/connect/Magistrates+Court/resources/file/eb37d20258f5d5d/KC_Defendant%20Guide.pdf

reported in 2008 that in addition to attending flag-raising ceremonies during NAIDOC week, the Fulham Correctional Centre ‘also held activities throughout NAIDOC, finishing the week with a football match between inmates, Koori vs Mainstream. Our boys looked very smart in their football jumpers and boots.’ At that time the Bairnsdale local Aboriginal Justice Advisory Committee and Latrobe Koori Court were being established. Youth diversionary initiatives in the Latrobe Valley had recommenced and community forums were well attended. The Gippsland RAJAC regional plan was also being developed.

There were also positive reports of the employment and activities of the local Justice Workers. Both during the consultations and in the available literature, there is substantial evidence that the local justice workers have achieved a level of engagement that is unprecedented and contributed to a far greater understanding among Aboriginal people of their right and capacity to engage with the justice system for improved outcomes, despite the still very high arrest and imprisonment rates.

9.3.4 Local Justice Worker Program

On 24 April 2008, the Victorian Government launched the Local Justice Worker Program. This Program is an initiative of the AJA and is designed to provide Aboriginal offenders with opportunities for supervised community work, assistance in accessing development programs and assistance in negotiating payment plans for fines. It will

operate in 10 Victorian cities and towns (Attorney-General 2008; *Koori Mail* 2008).

9.3.5 The Victorian Aboriginal Justice Advisory Committee (AJAC)

The AJAC is the Government’s primary source of advice from, and involvement with, the Aboriginal community on issues relating to the Royal Commission into Aboriginal Deaths in Custody and other justice related issues.

- AJAC’s membership comprises two Aboriginal community nominees and representatives from a range of Government Departments and Aboriginal organisations including from each of the proposed regional AJACs.
- The Victorian Aboriginal Justice Agreement was signed by the AJAC on behalf of all the Aboriginal organisations who are its members.

According to the Department of Justice, the ‘role and responsibility of the Aboriginal Justice Advisory Committee in implementing the Aboriginal Justice Agreement will be to:

1. Advise the Government on issues and priorities for effectively implementing and monitoring the recommendations from the Royal Commission into Aboriginal Deaths in Custody.
2. Monitor, evaluate and report annually to the Government on the implementation of

the Agreement and the Regional AJAC Plans.

3. Identify and/or develop proposals for improving the justice system where it negatively impacts on the Aboriginal community.
4. Report to the Government on best practice examples and assist in developing programs and policies that focus on crime prevention.
5. Support and promote Regional AJACs and the development of local initiatives to address Aboriginal justice issues.'

9.3.6 The Victorian Aboriginal Justice Agreements

The Victorian Aboriginal Justice Agreement: Phase 2 ('the AJA') was published in June 2006. It is a recommitment to the work undertaken pursuant to the Victorian Aboriginal Justice Agreement: Phase 1 (2000-2004).

The AJA involves collaboration and partnership between the Victorian Government and Koori community representatives regarding justice outcomes.

The aim of the AJA has two components:

1. To 'minimise Koori over-representation in the criminal justice system by improving accessibility, utilisation and efficacy of justice-related programs and services in partnership with the Koori community; and'
2. To 'have a Koori community ... that has the same access to human, civil and legal

rights, living free from racism and discrimination and experiencing the same justice outcomes through the elimination of inequalities in the justice system' (AJA 19).

These initiatives were instigated under the *Victorian Aboriginal Justice Agreement* (the Agreement), a joint initiative of the Victorian State Government (the Government) (through the Department of Justice (DOJ) and the Department of Human Services (DHS)), the Victorian Aboriginal Justice Advisory Committee (VAJAC), the then Aboriginal and Torres Strait Islander Commission (ATSIC), (abolished in 2004) and the Aboriginal community (through the Aboriginal ATSIC Regional Councils of Tumbukka and Binjurrú).³³ It was the first significant Indigenous policy initiative launched by the Victorian Government and maximises Aboriginal participation in the development of policies and programs in all areas of the justice system. The Agreement stems from the Government's commitment to implementing the recommendations from the Royal Commission into Aboriginal Deaths in Custody. Key to the Agreement was the growing partnership between the Government, ATSIC and the Regional Councils of Tumbukka and Binjurrú. The aim of the Agreement was to address the ongoing issue of Aboriginal over-representation within all levels of the criminal justice system, improve Aboriginal

³³Victorian Department of Justice 2000, *Victorian Aboriginal Justice Agreement*, Victorian Department of Justice, Melbourne, http://www.justice.vic.gov.au/wps/wcm/connect/DOJ+Internet/resources/file/eb0d4b0ad85e729/Vic_Aboriginal_Justice_Agreement_2004.pdf

access to justice-related services and to promote greater awareness in the Aboriginal community of civil, legal and political rights.

In July 1997 a National Ministerial Summit was held on Aboriginal deaths in custody. Flowing from that Summit the Government convened a steering committee comprising representatives from VAJAC, DOJ, DHS agencies, and ATSIC. The steering committee's terms of reference were that they should work in 'partnership with the Aboriginal community and with a view to increasing co-ordination at a local, departmental, inter-departmental and State-wide level', in particular to 'develop a strategic planning and program delivery framework aimed at reducing Aboriginal contact with the criminal justice system'. The resultant Aboriginal Justice Agreement is intended to provide a framework for justice agencies and the Aboriginal community to work together to address the complex issues that underpin over-representation within the criminal justice system. It was intended that the Justice Agreement will be included in the corporate and business plans of the DOJ and DHS and their respective business units, agencies and authorities.

The Agreement is part of a whole-of-Government approach to Indigenous issues and needs in Victoria. The agreement is a key strategy identified in the Victorian Indigenous Affairs Framework- and drives the Government's work to improve justice outcomes through a State wide Action Plan and key Strategic Change Indicators in the VIAF. This work is coordinated by the

Ministerial Taskforce on Aboriginal Affairs, chaired by the Deputy Premier. The Agreement is to be viewed in the context of a range of Government policies and initiatives such as Government policies on justice and community safety, the Victoria Police Aboriginal Policy and policies on drugs and juvenile justice.

The Aboriginal Justice Advisory Forum was established as the peak coordinating body responsible for overseeing the development and implementation of the Agreement. The forum will be assisted by the Aboriginal Justice Working Group and on behalf of both the Forum and the Working Group; the Indigenous Issues Unit of the Department of Justice will be responsible for coordinating and monitoring the overall effectiveness of the Agreement.

The Agreement sets out a range of 'Implementation milestones' to be put in place during Year 1 (2000-2001) and during Year 2 (2001-2002). In Year 3 (2002-2003) consolidation of the Agreement's initiatives and the various processes to be put in place during the previous 2 years, is to take place together with evaluation and review of the effectiveness of the Agreement and its initiatives.³⁴

³⁴ Department of Justice, Department of Human Services, Aboriginal and Torres Strait Islander Commission, Tumbukka Regional Council, Binjirru Regional Council, Victorian Aboriginal Justice Advisory Committee (2000) [Victorian Aboriginal Justice Agreement](#); Department of Justice, Department of Human Services, Aboriginal and Torres Strait Islander Commission, Tumbukka Regional Council, Binjirru Regional Council, Victorian Aboriginal Justice Advisory Committee (2000) [Victorian Aboriginal Justice Agreement](#)

9.4 Gippsland and East Gippsland Aboriginal Cooperative (GEGAC)

One of the most prominent examples of a service provider engaging with the community successfully is the Gippsland and East Gippsland Aboriginal Cooperative (GEGAC). Starting out as the local Aboriginal Cooperative it has grown and expanded into a vital part of the Aboriginal community in the region. GEGAC now offers a number of services which they divide into four different areas:

- Cultural business
- Community services
- Primary health care
- Children, youth and family services unit

Last year the GEGAC Medical Centre had 2,300 people access its service. Many of these people are coming from outside the region in order to use a service that accommodates their needs. The centre provides a necessary service to the region, relieving some of the burden from the Hospital and increasing knowledge of health issues and concerns. As demand for the Medical Centre has increased so has the number of services it offers. The establishment of a new dental clinic is the next major expansion of the services offered by GEGAC.

They often feel constrained by funding as it is inconsistent and often short term. Many projects are started only to find that the funding they need to run will not be recurrent.

In order to improve Cultural Awareness within the community at large GEGAC are rolling out their own Cultural Awareness Trainers who will provide training that is culturally specific to the region instead of a “capture all” approach. GEGAC have also been selective in where they take their contracts and accounts. If a company shows poor cultural competency and no willingness to change, GEGAC will take their business elsewhere. This provides businesses in the area with a monetary incentive to improve their cultural competency as GEGAC have numerous accounts of varying sizes. GEGAC also publish a list of their preferred suppliers in their newsletter so that the Aboriginal community may be informed as to what businesses GEGAC thinks are the most culturally competent.

Due to the success of its initiatives, GEGAC has been approached by a number of other service providers for their assistance. Bairnsdale Regional Health Service, the local hospital, has approached GEGAC for their help in seeking out those within the Aboriginal community who may not be seeking help for medical problems. Together they have been working to increase health literacy within the community and to try and break down stigmas surrounding certain ailments. A prime example of this is the educational programs that have been put in place to build understanding of diabetes; causes, prevention and treatment.

Beginning with a somewhat limited scope as an Aboriginal Cooperative, GEGAC has expanded to become an essential part of the community. The services offered are many and varied, often

running parallel to those being offered by Government services.

9.5 Goulburn Valley Health

Goulburn Valley Health is the main hospital and the Goulburn Valley region. Located in Shepparton it services the Goulburn Valley region.

The hospital has made many moves to become more culturally competent and to ensure that it is easier and less daunting for members of the Aboriginal Community to access the services on offer.

In the hospital's patient charter there is a statement pledging that patients have the right to access the services provided in a "culturally sensitive way" which included the patient having access to an Aboriginal Liaison Officer. The hospital currently has five Aboriginal Liaison Officers on staff. Each officer is a specialist in a specific field. However the officers have been given flexibility in how they deliver their service, and when circumstances do not permit an officer attending a patient in their field then one of the other ALOs will attend.

The role of the Aboriginal Liaison Officer is to attend to the patient and ensure that their needs are being met and to ensure that they understand any procedures that may need to be carried out. One of the issues the ALO deals with is that some patients do not have required identification. It is one of the roles of the ALO to ensure that these difficulties are overcome.

Attending to patients and ensuring that their needs are being met in a culturally sensitive manner increases the community's comfort with seeking out help for medical problems.

9.6 Best Start and Early Start Kindergarten Programs

The Victorian and Commonwealth Governments have developed programs based on the research that demonstrates that a supportive, stimulating and safe environment for very young children is the best way to ensure they go on to be healthy, successful adults. As a result, programs that enable 'Easy access to good quality maternal and child health services, extra support for vulnerable families and universally available early childhood education' have commenced in Victoria, although some are at the pilot stage of development.³⁵

The programs aimed at Indigenous children were raised by participants in the consultative meetings.

The Victorian Government's Indigenous Kindergarten program employs Koori Early Childhood Field Officers (KECFOs) to achieve the following aims:

- Increase and enhance the participation of Koori children in kindergarten

³⁵ See *Early Start Kindergarten Partnerships (for three year old children known to Child Protection) Invited Submission Process, Every Child, Every Opportunity*, Department of Education and Early Childhood and Department of Human Services, 2009, Victorian Government; see also, <http://www.eduweb.vic.gov.au/edulibrary/public/earlychildhood/childrenservices/earlystart.pdf>

- Promote the values of kindergarten programs within Koori families and communities
- Promote cultural awareness and provide access to resources for all kindergarten programs
- Liaise between Koori families and kindergarten programs
- Support the Koori Preschool Assistants' program.

In addition to this funding, this initiative also includes a range of support services for programs from Koori Early Childhood Field Officers (KECFOs) and Koori Preschool Assistants (KPAs).

The role of the Koori Early Childhood Field Officers (KECFO) is to promote Aboriginal early years program participation and increase enrolments, as well as working with services to ensure their programs are culturally responsive and relevant. KECFO's are employed by the Department of Education and Early Childhood Development in each region. The Koori Preschool Assistants Program (KPSA) program is supported by community-based organisations. Koori Preschool Assistants work with kindergarten programs to:

- Enhance the access and participation of Koori children in Kindergarten programs.
- Promote and assist in the delivery of Koori inclusive programs.
- Provide information and support to Koori families and communities.

- Support the attendance of Koori children in kindergarten programs.
- Encourage the involvement and participation of Koori parents, families and carers in the development of kindergarten programs.
- Assist in the development of kindergarten programs that embrace Koori culture.

Another program discussed during the consultations included Best Start, a prevention and early intervention project.³⁶ There are 30 Best Start project sites across the state. Six of these sites focus specifically on working with Aboriginal communities. These are at the following locations: Local partnerships are the cornerstone of each project site.

The Victorian Government's Department of Education and Early Childhood Development has a website that provides detailed information about the range of programs available, including the Best Start program, a Victorian Government early years initiative.³⁷ Its principal aim is to 'to improve the health, development, learning and wellbeing of all Victorian children (0-8 years).' According to the Government's program website, 'It supports families, caregivers and communities to provide the best possible environment, experiences and care for young children in the important years from pregnancy to school.' Further, 'It supports

³⁶ Department of Education and Early Childhood Development, *Aboriginal Strategies - Early Childhood Services and Programs* [http://www.education.vic.gov.au/about/directions/aboriginal/earlychildhood.htm#1Aboriginal Best Start](http://www.education.vic.gov.au/about/directions/aboriginal/earlychildhood.htm#1Aboriginal%20Best%20Start)

³⁷ *ibid*

communities, parents and service providers to improve universal early years' services so they are responsive to local needs. It has a strong emphasis on prevention and early intervention.' The research shows that learning in the early years lays the foundation for later life. For instance, quality kindergarten programs improve subsequent learning, health and behaviour, with positive impacts extending into adult life.

Thus, the Best Start approach:

- Strengthens the local capacity of parents, families and communities and early years services to better provide for the needs of all young children and their families.
- Has been established to ensure that local Aboriginal communities and organisations are given every possible opportunity to influence outcomes for their children and families.
- Understands that many Aboriginal children experience multiple factors that place their health wellbeing and psychosocial development at risk. These projects are designed to empower communities and families and develop broad cross-sectoral partnerships across all early years' services to improve outcomes for Aboriginal children and their families.

These improvements are expected to result in:

- Better access to child and family support, health services and early education
- Improvements in parents' capacity, confidence and enjoyment of family life

- Communities that are more child and family friendly.

Aboriginal children have access to a funded four year old kindergarten program with a fee subsidy available for eligible four year old children.

Three year old kindergarten provides eligible three year old Aboriginal and Torres Strait Islander children, whose families are in receipt of a concession card, an opportunity to access up to 10 hours a week of a funded early childhood program planned and delivered by a qualified early childhood teacher. This initiative enables a higher proportion of three year old Aboriginal and Torres Strait Islander children access to a high quality kindergarten program. Eligible Aboriginal children will therefore have access to two years of a funded kindergarten program prior to commencing school.

The program involves a partnership approach: 'All Best Start sites are expected to develop partnerships with their local Aboriginal communities and implement strategies,' and proposes that that this would include strategies that are "culturally relevant and respectful of the needs and aspirations of Aboriginal communities. The Aboriginal Best Start Status Report provides information relating to Aboriginal cultural beliefs, knowledge about the key elements of child development and the factors that impact on Aboriginal children reaching their full potential.

Moreover, the Supported Playgroup and Parent Group Initiative has commenced in 14 of the Best

Start project sites. It aims to provide 'quality play opportunities at a critical time in a child's development (0-3 years of age) and provide families with opportunities to establish friendships and link into services.'³⁸

9.7 Horsham Consultations and the Delkaia Best Start Project

At Horsham, we were told that the Delkaia Best Start Project was 'doing well.' The Victorian Government website for Best Start reports on an event organised by Delkaia which was also described in very positive terms by Nola Illin during our consultations. Welcome Baby to Country is an event that brings mothers and babies to a welcome to country, and especially welcomes the babies to the country.³⁹

Tyra King's descendants may one day stand in the soothing shade of a gum tree planted in her honour. Tyra's mum, Deanne planted the gum tree at Antwerp, near Dimboola, the home of her Wotjobaluk ancestors. Most people will pass by it and not know the history of the tree. But to the King family, the tiny tree was part of a significant cultural event held in the Wimmera. Thirteen-month-old Tyra received the tree and a certificate at the Welcome Baby to Country ceremony in

³⁸ Department of Education and Early Childhood Development, *Best Start - Supported Playgroups and Parent Group Initiative*
<http://www.education.vic.gov.au/ecsmanagement/beststart/oucomes/support.htm>

³⁹ See URL:
<http://www.education.vic.gov.au/ecsmanagement/beststart/project/aboriginal/default.htm>

October 2007 in Horsham, the first ceremony of its kind in Victoria.

The ceremony involved 13 children who were born into, or who moved into, the Wimmera Koori communities since 2004. It celebrated and emphasised the importance of strong families and recognised the significance of children and young people. The ceremony welcomed the Koori children to the country of the five Traditional Owner groups - the Wotjobaluk, Wergaia, Jaadwa, Jadawadjali, and Jupagalk people.

The Welcome Baby to Country ceremony was an Aboriginal Best Start project funded through the Department of Education and Early Childhood Development. What began as an idea to strengthen families grew to involve many of the Wimmera's community groups, including the Wimmera Catchment Management Authority, which donated the gum trees.

Mr Sandy Hodge, Executive Officer of the Barengi Gadjin Land Council, a lead partner in the project, said the ceremony reinforced the importance of the new generation and the role and status of Elders.

"Our children are our present and our future," Mr Hodge said at the ceremony, where Elders formally welcomed the babies and toddlers.

"The broader community hears a lot about Aboriginal people and culture from northern and central parts of Australia and this ceremony was

an important way of acknowledging Aboriginal people in the Wimmera Mallee region,” he said.

Kerrie Clarke, whose children were welcomed at the ceremony, echoed Sandy’s comments. For her, the day was about coming together with Kooris from the district, renewing old acquaintances and connecting with Koori families the Clarke’s had not met.

“We wanted to be part of the ceremony because it helped to make us more part of the Koori community in this area, especially my kids,” said Kerrie, a Gunai woman, who was born and raised in Gippsland, and now lives in Dimboola.

“I am married to an Irishman and my kids are fair and that’s why I think it is important to have something like the *Welcome to Country* which recognises them as Aboriginal kids and also reminds people that there is an Aboriginal community still in Dimboola.”

Kerrie and her family have planted the gum tree in their back yard.

Nola Illin, the Best Start facilitator with the Wimmera Health Care Group, was thrilled that her son was welcomed to the country. As an organiser and a parent she heard the talk that followed the big day.

“People loved it and the community who came along felt really proud about it. It was so significant because it was the Elders of the community

coming together to welcome the new generation of Aboriginal children,” Nola said.

Nola hopes the *Welcome Baby to Country* will be held again next year, possibly during NAIDOC Week.

9.8 Consultations at Bairnsdale

The Local Indigenous Network Broker described a similar event organised by the Community Elders Group at Lakes Entrance. The Djillay Ngaru, Healthy for Life, organisation held a Welcome to Babies ceremony. This involved a welcome to all babies born in the community: ‘each baby got clap sticks, a plant, a voucher to get a commemorative Aboriginal birth certificate, every baby got a photo taken in a coolamon with a possum skin cloak background. The next one is for 3 year olds and then there will be one for 4 year olds.’

The Broker also described the Best Start program in glowing terms, reporting in addition the Children’s Day organised as a Best Start event: ‘There was a jumping castle, children’s farm, petting zoo, etcetera, and over 100 Koori kids attended.’ The Lakes Entrance community was inspired by the work of the women from Horsham and the Wimmera District who had negotiated the Wotjabaluk Indigenous Land Use Agreement, Paul explained: ‘Women from Wotjabaluk over to visit and talk. Gayle Harradine from Dimboolah works for the cultural heritage project that runs out of Horsham. They talked about the Welcome Baby to Country event they initiated.’ One of the local Aboriginal leaders also reported the positive

outcomes from the work of Annette Sacks of Yarn Strong Sister with youth and children and the cultural respect training package developed.

‘There were about 40 people here last Friday. The participants were given certificates.’ ‘That was done right,’ he said; ‘Cultural respect training that works, dealing with community, identity and self-determination.’ It was also reported that an Aboriginal woman, is an artist who works for 2 days a week for the local office of the Department of Education and Early Childhood. The employment of local Aboriginal people was viewed universally as a very positive step in improving the engagement of Aboriginal people with services.



10 THE PRINCIPLES TO BE DRAWN FROM SUCCESSFUL ENGAGEMENTS

- Choice - The consultations heard that services provided by Indigenous people are highly valued in comparison to services provided by non Indigenous providers. The Bairnsdale Health Service offered by GEGAC is a good example. Despite the Bairnsdale Hospital being an excellent example of an institution which has made great efforts to be available and welcoming to Aboriginal people, some 2,300 Aboriginal people chose to attend the health service offered by GEGAC instead of going to the

hospital. The Koori Courts are another prime example of this principle; they involve senior Indigenous community members being given authority by the non-Indigenous community to participate in decision making about Aboriginal offenders. Elders and Indigenous people accept the Koori Court as a legitimate and appropriate forum for dealing with Aboriginal offenders.

- Problem Solving - Successful programs and policies arise from discussions with Indigenous communities that identify need in the community and which are responsive to solutions identified by communities. Engagement must include the proposed solution, not just the problem.
- Consent - The object of consultations must be to obtain consent of the Indigenous people consulted. Often it is they who know best what they need. "Consultation" is not the same as "consent."

