

5 Findings on Underlying Issues

5.1 Summary

- This section presents the findings relating to the Recommendations of the Commission in respect of the fundamental issues that lie behind the over-representation of Indigenous people in the criminal justice system. They are grouped into nine clusters and presented in the following order:
 - Education;
 - Employment and Economic Status;
 - Housing;
 - Families and Children;
 - Health and Well-being;
 - Alcohol and Other Substances;
 - Community Capacity;
 - Land Needs and Cultural Survival; and
 - Reconciliation.
- The intention of the Commission at the start of each cluster of Recommendations is discussed and is followed by a table of the relevant Recommendations with their implementation status as reported by Victorian government agencies. The self-assessment responses received from government agencies in support of the attributed implementation status is presented in full. The views and experiences of the community obtained during the Review's consultation follow. At the end are the Review comments on the evidence gathered – from the government self-assessment responses, the community perspectives and from the available statistical information (presented in Volume 2 – Statistical Information). A number of recommendations are made for addressing individual Recommendations of the Royal Commission in the cluster.
- In general, according to the self-assessment responses provided, many programs and initiatives have been implemented, or are partially implemented, and there are many partnerships established with the Indigenous community. However, the efficacy is unclear and some Recommendations were considered to lie outside Victorian Government's responsibility and thus remain in limbo.
- Community responses about the underlying issues ranged widely, though some areas were not well covered. On the whole, the community comments about what progress had been achieved by the various government departments were often negative. The importance of having Indigenous participation was frequently emphasised by the community although there were obstacles for this to be realised in practice. The community expressed its concerns about many issues, for example, in the area of education, the lack of employment opportunities, inability to access mainstream housing opportunities, ongoing removal of Indigenous children from their families, inadequate programs to address mental health issues, chronicling and the inability of Koori organisations capacity to meet the needs of the Indigenous community.
- Alongside the many concerns expressed by the community is the most recent statistical information (presented in Volume 2) which appears to support the community perceptions on many of the underlying issues. There remain important differences between Indigenous and non-Indigenous people on a wide range of statistical measures

and indicate that, in general, the Commission's Recommendations need to continue to be implemented and monitored.

- The Review has made some specific Recommendations and, unless otherwise stated, the Review recommends that the Victorian Government continue to implement and monitor specific recommendations in relation to underlying issues.

In commencing this section, it is essential to recall what the Royal Commission concluded about the issues that lie behind the over-representation of Indigenous people in the criminal justice system.

The Royal Commission found that Aboriginal people did not die at a greater *rate* in custody than others. Rather, the high number of such deaths was attributable to the fact that Aboriginal people were grossly over-represented among the population in custody. *Too many Aboriginal people, it said, are in custody too often* (Royal Commission, 1991b, Vol. 1, 1.3.3).

According to the Commissioners, there were two levels at which this disproportionality might be tackled. The first, which they perhaps optimistically regarded as *in many ways least difficult*, was at the level of the criminal justice system itself (Royal Commission, 1991b, Vol. 1, 1.6.1). The implementation issues arising from the Commission's findings at this level are dealt with in Section 6 of this Review. The second was at *the level of those more fundamental factors which bring Aboriginal people into contact with the criminal justice system* (Royal Commission, 1991b, Vol. 1, 1.6.1), and it is with this aspect of the Royal Commission and the implementation of its Recommendations in Victoria that Section 6 is concerned.

The Royal Commission was unequivocal on the importance of the issues that lie behind the over-representation of Aboriginal people in custody. In what is possibly its most frequently quoted finding, the Commission stated its position categorically:

... the more fundamental causes for the over-representation of Aboriginal people in custody are not to be found in the criminal justice system but in those factors which bring Aboriginal people into conflict with the criminal justice system in the first place. The view propounded by this report is that the most significant contributing factor is the disadvantaged and unequal position in which Aboriginal people find themselves in the society – socially, economically and culturally (Royal Commission, 1991b, Vol. 1, 1.7.1).

The report is largely concerned with demonstrating the existence of that inequality and disadvantage in many aspects of social life and situation. The report examines the position of Aboriginal people in relation to health, housing, education, employment and income; it discusses the land needs of Aboriginal people. It shows how the attitude of the dominant non-Aboriginal society, racism both overt and hidden and institutional racism, adversely affect Aboriginal people (Royal Commission, 1991b, Vol. 1, 1.7.2).

In making such scathing observations, the Commissioners were clearly arguing that for Aboriginal people, their disadvantages were the historical product of two hundred years of domination by non-Aboriginal society. At the same time, elimination of these disadvantages required more than the customary social policy response to such situations. It also necessitated *an end of domination and an empowerment of Aboriginal people; that control*

of their lives, of their communities must be returned to Aboriginal hands (Royal Commission 1991b, Vol. 1, 1.7.6).

The success or failure in implementing the recommendations should be assessed first and foremost in relation to issues like education, employment and economic status, housing, families and children, health and wellbeing, alcohol and other drugs, community capacity, land needs and cultural survival and reconciliation, the consequences of which, for better or worse, will flow on to the criminal justice system in years to come. The Review looked for implementation data around the area of *social* justice rather than concentrating exclusively on information relating to *criminal* justice, although when the Review comes to address the latter, the elapse of time since the Royal Commission, might reasonably lead one to expect that the effects of 'upstream' improvement should by now be making themselves apparent.

The Commission's argument means that rectifying the fundamental problems underpinning over-representation cannot be meaningfully attempted in isolation from the broader, historically grounded factors that generated them in the first place. Questions of land dispossession, family disempowerment, assumed racial superiority or even well-intentioned know-how and, more generally, of reconciliation, are absolutely integral to any evaluation of how the Royal Commission's Recommendations are being implemented. Without attention to what progress has been made on these issues, the historical basis of current social disadvantage remains unaddressed. Past and present are not so easily separable for *either* party to historical injustice as many would like to believe.

Not least, it is important to recognise that the Commission's connection of these issues to the *right* of self-determination is a crucial step in the linkage of questions of Aboriginal social disadvantage to the issue of human rights. The logical implications of this connection are pursued with some vigour in the reports of the Aboriginal and Torres Strait Islander Social Justice Commissioner for 2001 and 2002 where the matter of Indigenous disadvantage is explicitly located within the discourse of international human rights. Not only that, noting Australia's status as a signatory to the International Covenant on Economic, Social and Cultural Rights of 1976, the Social Justice Commissioner points out that, while under the Covenant the obligation *to take steps* with regard to the rights in question may be achieved progressively, *the taking of such steps cannot be delayed ... and those steps should be deliberate, concrete and targeted ...* (Aboriginal and Torres Strait Islander Social Justice Commissioner, 2002: 96). Clearly, while skirting the question of Commonwealth/State jurisdiction, the question of implementing the social disadvantage Recommendations of the Royal Commission cannot at some level be divorced from international obligations in relation to basic human rights and social justice.

5.2 Education

The Royal Commission was at pains on innumerable occasions to underline the fact that it was not individual factors as such, but rather their interaction, that led to Aboriginal over-representation in custody. The place of education in this complex mix of underlying influences was clear:

Poor educational participation and achievement in turn limit the capacity of Aboriginal people to make real choices about their participation in the economy more generally. A diminished educational opportunity effectively denies Aboriginal people access to the full range of resources which could help them shape their lives and communities according to their own vision and aspirations (Royal Commission, 1991b, Vol. 2, 16.1.6).

Given the age distribution of the Aboriginal population, with its heavy and increased projected weighting towards younger age groups, there is the potential for education to substantially impact on the rate of Aboriginal incarceration. The Commission was in no doubt that there was room for extensive improvement in this area:

... the evidence of the cases investigated by this Commission and of other material presented to me indicates that Aboriginal people have not been well-served by the education systems of the various States ... Educational opportunity and performance have been revealed by my investigations as significant underlying issues which diminish the potential for Aboriginal people to create fulfilling lives for themselves. Reduced access to education — an access which is shaped by a variety of social and cultural, as well as geographic, factors increases the likelihood of contact with the judicial and custodial systems, in which contexts a number of Aboriginal people have died (Royal Commission, 1991b, Vol. 2, 16.1.9).

How to improve educational outcomes was dealt with by the Commission through many Recommendations. These Recommendations include mechanisms for increasing the influence or control which Aboriginal communities and representative groups have over the content, delivery and organisation of schooling for Aboriginal children. They also address preschool, school curriculum, financial assistance to students, training of Aboriginal teachers, content of teacher training courses, the role of teachers at the local community level, Aboriginal education workers, adult education, and National Aboriginal Education Policy. Not least, the Recommendations also cover truancy and non-attendance at school.

The relevant Recommendations and the self-assessed implementation status reports from the DHS and Department of Education and Training (DE&T) are set out below in full and constitute the basis upon which the implementation status was determined. It should be noted that for a number of Recommendations, implementation is primarily a Commonwealth responsibility. However, where the Victorian Government has taken action that contributes to the implementation it is reported here against those Recommendations. This material represents the reports on progress in addressing the Recommendations and is made available to the community through this Review. Community responses and the Review comments and recommendations follow.

5.2.1 Royal Commission Recommendations and Implementation Status

	Recommendation	Implementation status 2003
289	That: (a) Governments, State Aboriginal Education Consultative Groups and local Aboriginal Education Consultative Groups should pay great attention to the fact that the scope of the National Aboriginal and Torres Strait Islander Education Policy (NAEP) extends to pre-schooling programs and that it should be recognised that to a considerable extent the success of the whole NAEP will turn on the success of the pre-schooling initiatives; and (b) That pre-schooling programs should have as a major aim the involvement not only of the children, but of the parents or those responsible for the care of the children.	Fully implemented (Office for Children-DHS)
290	That curricula of schools at all levels should reflect the fact that Australia has an Aboriginal history and Aboriginal viewpoints on social, cultural and historical matters. It is essential that Aboriginal viewpoints, interests, perceptions and expectations are reflected in curricula, teaching and administration of schools.	Partially implemented (DE&T)
291	That: (a) In designing and implementing programs at a local level which incorporate Aboriginal viewpoints on social, cultural and historical matters local schools should, wherever possible, seek the support and participation of the local Aboriginal community in addition to any other appropriate Aboriginal organisations or groups; and (b) In engaging local Aboriginal people to assist in the preparation and delivery of such courses at a local level, school principals and the relevant education departments accept that in recognition of the expertise which local Aboriginal people would bring to such a program, payment for the services of such Aboriginal people would be appropriate.	Partially implemented (DE&T)
292	That the Aboriginal Education Consultative Groups in each State and Territory take into account in discussing with governments the needs of the Aboriginal communities in their area, and that local Aboriginal Education Consultative Groups take into account when consulting with school principals and providers at the local level, the fact that many Aboriginal communities and organisations have identified the need for the education curriculum to include a course of study to inform students on social issues such as the legal system - including police and courts - civil liberties, drug and alcohol use and sex education.	Partially implemented (DE&T)
293	That the introduction of the Aboriginal Student Support and Parent Awareness Program be commended as being an appropriate recognition of the need for the participation of Aboriginal people at a local level in the delivery of school programs. The Commission notes, however, that the success of the program will be dependent on the extent to which the Aboriginal community is guaranteed adequate consultation, negotiation and support in devising and implementing this program.	Partially implemented (DE&T)
294	That governments and Aboriginal Education Consultative Groups take note of the methodology employed in such programs as that at Bachelor College, Northern Territory in the training of Aboriginal teachers and others for work in remote communities.	Partially implemented (DE&T)
295	That: (a) All teacher training courses include courses which will enable student teachers to understand that Australia has an Aboriginal history and Aboriginal viewpoints on social, cultural and historical matters, and to teach the curriculum which reflects those matters; (b) In-service training courses for teachers be provided so that teachers may improve their skill, knowledge and understanding to teach curricula which incorporate Aboriginal viewpoints on social, cultural and historical matters; and (c) Aboriginal people should be involved in the training courses both at student teacher and in-service level.	C'with responsibility
296	That: (a) Aboriginal Education Consultative Groups (AECGs) consider such processes which might allow communities and teachers to negotiate and agree upon the role of teachers at local community level; and	C'with responsibility

	Recommendation	Implementation status 2003
	(b) Governments, AECGs and, where appropriate, unions explore processes which will enable teachers, pupils and parents to negotiate guidelines for the teaching of Aboriginal students and the employment and conditions of teachers on local communities.	
297	That: (a) The vital role which Aboriginal Education Workers—or persons performing a similar role but with another title—can play in ensuring effective Aboriginal participation in the education system be recognised; (b) Aboriginal Education Workers be given the recognition and remuneration which their role merits and that it be recognised that they suffer from conflicting expectations of community and Department as to their role; and (c) It be understood that there is a need for them to have accountability to the Aboriginal community as well as to their employer.	Partially implemented (DE&T)
298	That: (a) Governments support Aboriginal community controlled adult education institutions and other institutions which provide a program of courses which have the support of the Aboriginal community; (b) Governments accept that courses delivered by such institutions should be regarded as courses entitling students to such payments or allowances as would be their entitlement in the event that they were participating for the same or equivalent time in a TAFE course; and (c) It be recognised that owing to the substantial historical educational disadvantage which Aboriginal people have experienced, a course for Aboriginal students may necessarily be longer than might be the case if the course were provided to non-Aboriginal students.	Partially implemented (DE&T)
299	That: (a) At every stage of the application of the National Aboriginal Education Policy the utmost respect be paid to the first long-term goal expressed in the policy, that is: (b) To establish effective arrangements for the participation of Aboriginal parents and community members in decisions regarding the planning, delivery, and evaluation of pre-school, primary, and secondary education services for their children. (c) It be recognised that the aims of the Policy are not only to achieve equity in education for Aboriginal people but also to achieve a strengthening of Aboriginal identity, decision making and self-determination; and (d) It is unlikely that either of these aims can be achieved without the achieving of the other.	C'wlth responsibility
72	That in responding to truancy the primary principle to be followed by government agencies be to provide support, in collaboration with appropriate Aboriginal individuals and organisations, to the juvenile and to those responsible for the care of the juvenile; such support to include addressing the cultural and social factors identified by the juvenile and by those responsible for the care of the juvenile as being relevant to the truancy.	Partially implemented (DE&T)

Government Responses on Implementation

Recommendation 289: Preschool education

Office for Children, Early Years Branch replaced **Family and Community Support (DHS)** in March 2005.

Office for Children, Early Years Branch advised the Review that the Koorie Early Childhood Education Program (KECEP) aims to increase the number of Indigenous children attending preschool and encourage all preschool programs to become more culturally relevant for Indigenous children. This is in line with the National Indigenous English Literacy and Numeracy Strategy (NIELNS) and the State Government policy to ensure that all children have access to a year of preschool prior to school entry.

The KECEP comprises a number of components and, although it is jointly funded by the DHS and the Commonwealth Department of Education, Science and Training (DEST), it is also implemented in partnership with local Indigenous communities who employ and administer the Koori Preschool Assistance (KPSA) Program and liaise with the DE&T.

The KECEP consists of three key components:

- The State Coordinator position – the responsibilities include providing support, information, training and assistance to those working with Indigenous children in preschools, overseeing the Koorie Preschool Assistance Program at a state level and liaising with other government departments and community organisations to ensure effective delivery of the KECEP program.
- The KPSA Program – the responsibilities include supporting attendance of Indigenous children in preschool services, encouraging Indigenous community involvement in the development and delivery of preschool services for Indigenous children and assisting the development of preschool programs which embrace Indigenous culture.
- Koori Early Childhood Field Officers (KECFOs) – the responsibilities include promoting the value of preschool programs within Indigenous communities, organising cultural awareness programs and resources for mainstream preschool providers, liaising between Indigenous families and mainstream preschool programs; and identifying local barriers to Indigenous participation and developing strategies to overcome these.

The KECEP employs Indigenous staff, both within the KPSA and KECFO program. Parents are involved in preschools through their involvement in the Aboriginal Student Support & Parent Awareness (ASSPA) committees that encourage greater parent involvement with their child's education.

A review of the KECEP program was commenced in 2001 and completed in March 2003 and a copy was provided to the Review. The review sought to ensure the program meets both State and Commonwealth objectives in relation to early childhood programs for Indigenous people. The review included extensive community consultation and highlighted a number of key findings and made seven recommendations to address these findings. Implementation strategies for the recommendations are currently being developed.

The DHS has provided performance reports for the DEST and a copy of the Aboriginal Best Start Program Status Report 2001 to the Review.

Recommendation 290: Aboriginal history and viewpoints in curricula, teaching and administration

Department of Education and Training (DE&T) advised the Review that in the Studies of Society and Environment (SOSE) Key Learning Area, Indigenous issues have been recognised as essential learning at Curriculum and Standards Framework (CSF) Level 4 (Years 5-6) and Level 6 (Years 9-10). To support schools in the teaching of Indigenous issues, four units of work in the SOSE Key Learning Area have been developed. These units were developed by a team of writers, both Aboriginal and non-Aboriginal, from the Victorian Aboriginal Education Association Incorporated (VAEAI) and the Koorie Education Strategy Team (KEST), and were published consistent with the Curriculum and Standards Framework II (CSF II) Studies of Society and Environment (SOSE) learning outcomes.

The Koorie Open Door Education (KODE) program was initiated in 1994 as a partnership between the Commonwealth Department of Education, Employment and Training, and the VAEAI. There are currently four Koorie Open Door Education campuses in Victoria; at

Morwell, Glenroy, Mildura (1998), and Swan Hill (2002). The KODE programs aim to cater for students who are looking for a more Koorie inclusive school environment by drawing strong links between school and community. Each school develops and documents curriculum initiatives designed to meet the needs of their students. KODE schools develop specific units of work directly related to the needs of their students.

The Koorie Education Strategy Team works through and with the Koorie Education Development Officers (KEDOs) with individual schools on curriculum issues. KEDOs are regionally located and are involved in developing curriculum with schools and communities that are directly related to their country and issues. These documents are shared within and between regions where appropriate.

Specific units of work developed through the Koorie Link Programs comprise: Koorie Literacy Link Program (Early Years P-4); Middle Years Link Program; and Koorie Middle Years (5-6) Numeracy Links Program. Electronic and print resources have been developed and disseminated by Project participants. CDs of appropriate activities for Early Years students are shared by the schools and posted on the Corio South Primary School website who host Koorie Literacy Links. Koorie students, teachers and Koorie educators have developed a website to showcase the work of Middle Years Koorie students which is called *Koorie Yarns Deadly Reflections*. This site was launched in March 2003.

Schools are able to use a variety of curriculum support materials to assist their students' enhanced understanding of Indigenous issues. School Personnel (particularly teachers) participation in professional development (that includes cross-cultural awareness training and involvement of local Indigenous communities) is essential if Indigenous issues are to be taught in a sensitive manner. In particular greater understanding of cultural protocols and sensitivities are required by school communities; this allows for more meaningful participation by Koorie families and community members in the life of the school.

The direct involvement and participation of the Koorie personnel who are conducting and supporting the programs, in conjunction with local Koorie support services, should ensure on going opportunities for input, participation and follow up action. The partnership arrangement between the DE&T and the Victorian Aboriginal Education Association Incorporated as evidenced by *Yalca: A Partnership in Education and Training for the New Millennium*, ensures the ongoing involvement of the Indigenous community in these initiatives.

Recommendation 291: Aboriginal participation in local schools

DE&T advised the Review that the following initiatives are in place:

- *Yalca: A Partnership in Education and Training for the new Millennium*, co-signed by the Premier and President of VAEAI is the formal partnership between VAEAI and the Victorian State Government around education. This policy reinforces that 'local communities are acknowledged as best able to determine local education and training needs'. There are 29 Local Aboriginal Education Consultative Groups (LAECGs) throughout Victoria. The LAECGs constitute the Committee of Management for VAEAI which provides the primary source of advice on matters relating to Koorie Education.
- SOSE Units of Work: The Koorie Education Strategy Team works through the Koorie Education Development Officers with individual schools on curriculum issues. Four units of work have been developed and published consistent with the CSF II Studies of Society and Environment (SOSE) learning outcomes:
 - CSF Level 4-Unit 4. 3: Koorie culture and communities today

- CSF Level 4-Unit 4. 8: Stolen Generation and Reconciliation
 - CSF Level 6-Unit 6. 5: The Aboriginal Civil Rights Movement
 - CSF Level 6: Land, law and country
- Koori Education Development Officers: Development Officers are located regionally to support Koorie Educators and schools in the development of curriculum. This is always done with the involvement and participation of the LAECG and other local Koorie community members.
 - Koorie Literacy Links Project, Middle Years Link Project and Middle Years Numeracy Link Project: These projects illustrate the way in which videoconferencing and ICT can be used as an interactive tool to connect geographically distant communities. They were designed to improve literacy and numeracy outcomes for Koorie students and from their inception have involved Koorie community members in all facets of the Projects.
 - The Identification of Underachieving and Support for Gifted Koorie Students Project: This project has required the training of Koorie Education Personnel to identify such students. Before any student identification is undertaken, community forums are held to ensure full disclosure of processes and procedures, discussion of any community issues or concerns and exploration of ways to involve parents and care-givers.

With respect to the second part of the Recommendation, DE&T advised the Review that the Recommendation is implemented in all cases where appropriate.

Schools are able to use a variety of curriculum support materials to assist their students' enhanced understanding of Indigenous issues. Participation of School Personnel (particularly teachers) in appropriate professional development (that includes cross-cultural awareness training and involvement of local Indigenous communities) is essential if Indigenous issues are to be taught in a sensitive manner. In particular greater understanding of cultural protocols and sensitivities are required by school communities; this allows for more meaningful participation by Koorie families and community members in the life of the school. It is a local school decision on whether to pay (including the amount to pay) any guest school speaker. It is acknowledged however that payment requirements for expertise/services provided by Koorie community members has become a common presence.

Recommendation 292: Educational needs of Aboriginal communities

DE&T advised the Review that there is a partnership between the Victorian Government and the VAEAI of which LAECGs are constituent bodies comprising representatives from their local Koorie communities. The Koorie Education Strategy Unit (KESU) works in partnership with VAEAI, including through the development of Course Advice. To date, Course Advice has been developed in the SOSE Key Learning Areas. Opportunities for the development of Course Advice in other Key Learning Areas were to be explored in 2003.

Nine Regional Koorie Education Committees (RKECs) are located across Victoria and comprise representatives from LAECGs and DE&T. The committees have the responsibility for decision making about the funding of regional Koorie education programs and to provide advice regarding Koorie education initiatives. A number of local and regional projects have been funded by RKECs. LAECG representatives chair the RKECs, and RKECs need the LAECG in order to have a quorum.

The relationship between LAECGs and schools has been further enhanced since June 2003 by:

- Additional funding to VAEAI for a Koorie Mentor Program targeted at nine LAECGs to build the capacity and leadership within Koorie communities.
- Engagement between school principals and LAECGs has been facilitated through the RKECs. The Department has provided additional funding assistance to influence curriculum and educational outcomes for Koorie students.

Recommendation 293: Participation of local Aboriginal people in the delivery of school programs

DE&T advised the Review that Aboriginal ASSPA was supported by the Department and assistance was provided through Koorie Education Development Officers who were instrumental in representing the community at ASSPA meetings and implementing of related projects.

Recommendation 294: Training of Aboriginal teachers

DE&T advised the Review that a number of Victorian tertiary institutions have developed teacher training courses that take into account the specific needs of Indigenous teachers as well as the needs of teachers working with Indigenous communities. In addition, all Koorie Educators (KEs) have been encouraged to undertake the Certificate III in Aboriginal Education offered in conjunction with the University of Ballarat. The additional confidence from doing Certificate III has led to Koorie Educators undertaking teacher training. The Certificate III in Aboriginal Education at the University of Ballarat is offered to all 56 Koorie Educators as a form of accredited training that will improve the level of support for schools and students as well as provide career opportunities. This project has been offered regionally with support from the central DE&T Koorie Education Strategy Team. The Certificate assists Koorie educators in supporting Koorie students in schools.

DE&T have provided nine Koorie Teacher Scholarships. The Scholarship program aims to provide support for existing Koorie staff to undertake Degree/Graduate Diploma training as teachers at Deakin University. Scholarships costing \$10,000 have been made available to assist in increasing the number of Koorie teachers.

DE&T's Diversity Policy and Strategies aim to improve the responsiveness of the Education Sector to Indigenous issues.

Within the context of its Human Resources strategy the DE&T has developed a comprehensive Indigenous Employment Plan. The Plan responds to the government initiated *Wur-cum barra Strategy Framework* incorporating the requirement that all agencies establish targets and processes for expanded representation of Indigenous people in the workforce.

The Department's *Wur-cum barra Implementation Plan* was originally developed in September 2002 and endorsed by the State Co-ordination and Management Council in December 2003. The Plan has now been updated and enhanced in the context of the reorganisation of DE&T's structural arrangements and DE&T's clear focus on Koorie education and training through the complementary *Yalca* and *Wurreker* initiatives. The target is underpinned by six key strategic actions to provide quality employment opportunities for Indigenous people in Education: Build capacities for Indigenous people to seek a Victorian Public Service (VPS) career in DE&T; encourage recruitment of Indigenous staff; provide culturally appropriate induction and support; link Indigenous staff to career development pathways; change DE&T workplace culture; and invest in Indigenous Community Organisations. The Plan has been endorsed by the Department.

Recommendation 295: Inclusion of Aboriginal history and viewpoints in teacher training courses

DE&T advised the Review that this Recommendation does not fall within DE&T's portfolio responsibility.

Recommendation 296: Role of teachers at the local community level

DE&T advised the Review that this Recommendation does not fall within DE&T's portfolio responsibility. However, DE&T advised the Review that employment conditions for Koorie workers, like those for all education workers, are determined by existing enterprise bargaining agreements.

Recommendation 297: Aboriginal Education Workers

DE&T advised the Review that in partnership with VAEAI the Department has in place a range of Koorie Education positions aimed at supporting students, communities and schools to achieve improved education and training outcomes. There are a range of different Aboriginal Education Workers that support effective participation in the education and training system. These include:

16 Koorie Education Development Officers (KEDOs)

KEDOs support and promote the implementation of Koorie education policy, with a particular focus on the provision of curriculum and professional development support to schools. They also participate in the planning, development and coordination of Koorie education programs and act as Executive Officers to RKECs.

9 Home School Liaison Officers

Koorie Home School Liaison Officers provide support to targeted school communities to improve attendance levels of Koorie students. In particular the officers provide assistance and advice to schools (such as suggesting school-based strategies to support improved attendance), families (including referrals to relevant services) and Koorie students.

3 Literacy Officers

Koorie Literacy Officers provide support to targeted school communities so that literacy levels of Koorie students may improve. In particular, the officers provide assistance and advice to schools (such as identifying and modelling inclusive teaching and learning approaches and resources), families and Koorie students. In regions where both Koorie Literacy and Koorie Home School Liaison Officers are based, a Koorie Student Support Team is formed so that targeted school communities are supported to achieve both improved Koorie student attendance and literacy outcomes.

56 Koorie Education Officers

Koorie Educators are allocated to schools with significant numbers of Koorie students to provide support to Koorie students in the classroom and to act as a liaison between schools and families of Koorie students. Koorie Educators play a valuable role in contributing to improved attendance and retention levels of Koorie students. They are supported to undertake the Certificate III in Aboriginal and Torres Strait Islander Education, (a national qualification specifically developed for Indigenous education workers) that supports their role in working with Koorie students, schools and families.

Recommendation 298: Aboriginal community controlled adult education

DE&T advised the Review that the Office of Training and Tertiary Education (OTTE), through the annual Priority Education and Training Program, allocates funding specifically for Koorie training. These funds have primarily been allocated to Koorie Registered Training Organisations. The schedule that determines what training is to be given priority is informed by the Koorie Training Plan developed by VAEAI.

All expressions of interest to provide training to Koorie communities must be accompanied by a letter of support from the LAECG or from VAEAI; and in consulting with Koorie communities Registered Training Organisations must follow Koorie protocols.

OTTE does not pay any of the allowances referred to in the Recommendation.

Koorie-specific training has been funded at a higher rate per Student Contact Hour up to and including 2002. From 2003 this will continue in the Priority Education and Training Program, whilst Technical and Further Education (TAFE) Institutes are able to allocate a higher rate through their global budget allocations.

In addition, Koorie Liaison Officers are available to support students with particular issues or with finding other appropriate assistance.

Funding has been provided for eight *Wurreker* Brokers. These are Koorie officers who facilitate relationships between local Aboriginal communities and training providers based at VAEAI to ensure education and training reflects the needs of Koorie communities, and is sensitive to their cultural needs.

Recommendation 299: Participation of Aboriginal parents and community members in school decision making

DE&T advised the Review that *Yalca: A Partnership in Education and Training for the New Millennium*, a partnership between VAEAI and the Victorian Government supports a birth-to-death philosophy of education, placing the Koorie student at the centre of education policy and decision making, and acknowledging that local Koorie communities, through Local Aboriginal Education Consultative Groups, are best able to determine local education and training needs. The Local Aboriginal Education Consultative Groups work with schools to develop school community action plans. School community action plans have been introduced so that school communities are provided with a framework on which to build strategies that build literacy outcomes for Koorie students.

The establishment of KODE campuses and the development of culturally inclusive curriculum are examples of strengthening Aboriginal identity at a local school level. Local Koorie communities are represented on the committee of management for KODE campuses.

The partnership arrangement between the DE&T and the Victorian Aboriginal Education Association Incorporated as evidenced by *Yalca: A Partnership in Education and Training for the New Millennium*, ensures the ongoing involvement of the Indigenous community in these initiatives.

In addition to LAECGs, 12.3 per cent of government schools in 2004 reported having an Aboriginal and Torres Strait Islander committee.

Recommendation 72: Truancy

DE&T advised the Review that there are three Koorie Home School Support Teams which have been employed to work with Koorie families and schools to reduce absenteeism and to

look at the literacy needs of Koorie students. One team works across the Loddon Campaspe Mallee Region, another works across the Gippsland Region and another team works across the Metropolitan regions. These Teams comprise a Literacy Project Officer and Koorie Home School Liaison Officers. Their role is to increase school attendance and improve literacy levels whilst working with existing school structures.

Six Home School Liaison Officers have been employed by DE&T to complement existing Home School Liaison Officers. Since February, 2003, they work closely with families and students to reduce the absenteeism of Koorie students in Victorian schools.

In addition, Koorie students will benefit from the following mainstream initiatives:

- Secondary School Student Welfare Coordinators – \$13.4 million (annual) to all secondary schools to employ these Welfare Co-ordinators;
- A further \$46 million (annual) for the employment of Student Support Service Officers (i.e. psychologists, counsellors); and
- Also, \$14.5 million over 4 years for the employment of 256 Primary School Welfare Officer positions.

These are new programs and there have been no implementation difficulties identified to date.

It is envisaged that a review of the work of the Koorie Home School Support Teams and Home School Liaison Officers will take place in the next 12-18 months (December 2003 – June 2004). The review will consider data collected by the Koorie Home School Support Teams and Home School Liaison Officers as well as consult community representatives. Relevant new directions or policy proposals will arise from the evaluation in 2003–2004.

There is also a Pathways Officer employed to work with Koorie students in the senior years of schooling, to look at appropriate pathways from schooling to further education or employment.

In 2004 work commenced on a Koorie Education attendance strategy *It's Not OK to Be Away*. This strategy will increase the engagement between the Koorie and school communities on school attendance and engagement issues.

5.2.2 Community Responses

Responses from the Indigenous community focused on its experience of the educational system as a whole. Even then, the comments elicited related almost exclusively to the school sector where, although one or two positive responses were reported, the comments were overwhelmingly and resolutely negative. The Indigenous community clearly shares the Royal Commission's appreciation of the way in which education, or the lack of it, forms part of the complex set of interacting factors that can culminate in contact with the criminal justice system and in custody:

If he doesn't stay at school, his next step will be inside [prison] (Regional Victoria).

The legal education limit is 15 years old. Our kids don't even get that far up the ladder. What happens to them then? Into all the wrong things! For many of our kids jail is the only pathway. That's where they learn culture (Regional Victoria).

We have heard of instances where kids have been sent home for not wearing proper school shoes, jumpers or shirts etc. What happens then is that these kids hang around the streets and get into trouble (Metropolitan Melbourne).

In many regions, Indigenous children were less likely to be enrolled in kindergarten than non-Indigenous children, but the number of children identified as Indigenous has increased from 2000 to 2003.

The level of education attained by Indigenous people in Victoria (aged 15 years and over) has improved. Between 1994 and 2002 the percentage of Indigenous Victorians with a certificate or diploma doubled from 15 per cent to 31 per cent, while post-school qualifications more than doubled (from 16 per cent to 37 per cent). Those with a Bachelor Degree or higher qualification rose from 1 per cent to 6 per cent.

Education is the first crack in the system. If things fall down at that point, it starts them on the track (Regional Victoria).

And *falling down* is precisely what things were commonly reported to be doing. For some in the community, of course, the system was quite simply in disrepair if, indeed, it had ever been in good shape in the first place. *I reckon the education system stinks* was the summary offered by one respondent at the end of a lengthy account of difficulties with the educational system. At a Koori educational unit in regional Victoria a possibly more considered, but no less damning assessment was offered:

*None of the Recommendations, especially those about education, have happened at all. I've been involved in Aboriginal education for twenty-two years. It's all the same bulls*** (Regional Victoria).*

Indigenous community members identified many symptoms of educational malaise. One such sign was the drop-out rate of Indigenous students, which was seen in one outer metropolitan area to be particularly high at Year 9. In another area, a rural region this time, it was described as being huge at Year 10. One respondent's comment reflected an air of inevitability or even helplessness that seemed to pervade most of the responses on this subject:

Don't even bother asking why our kids are dropping out of school (Regional Victoria).

A lot of our kids are dropping out of school in Year 9 ... the Koories are bullied and harassed all the time and school doesn't do anything about it (Metropolitan Melbourne).

While there appears to be a gradual increase in the retention rates in Year 10-12 for Indigenous students (up from 37 per cent to 46 per cent) from 2000 to 2003, the retention rate for Indigenous students in Year 10-12 was still only slightly more than half that for non-Indigenous students.

Ironically, on occasion the complaint was not drop-out but artificial or contrived retention:

My 19-year old son went to Year 10. When he was asked to sign his name, he couldn't even sign it because he didn't know how to. How can they push him through the system when he can't even write properly? (Regional Victoria).

We celebrate our Grade 6 kids going up to Year 7, but they only have Grade 2 or 3 education. How's that gonna help them cope in Year 7 with their work? (Regional Victoria).

We're finding out that more and more of our kids are illiterate. We're stigmatised. Everyone says, oh yeah, Aboriginal people you're trouble (Metropolitan Melbourne).

In 2003, the percentage of Indigenous students in each year of schooling declines more markedly as they progress to a higher level of school education compared with non-Indigenous students.

Recent figures presented by DE&T show improving trends. In 2004, 88 per cent of Indigenous students progressed from Year 9 into Year 10.

As for the reasons for poor educational performance, absenteeism and truancy were inevitably identified on a number of occasions as major issues. In one consultation it was said that the problem was locally endemic:

We've got kids all over the town just wagging school. We have the situation where ten of our Koori kids have failed to enrol in Year 7 after graduating from Year 6. Where are those kids now? (Regional Victoria).

The regional Indigenous respondent wondered rhetorically, and then provided his gloomy answer:

Roaming the streets and getting into trouble (Regional Victoria).

But overwhelmingly, the explanation for poor educational achievement on the part of Indigenous children was laid squarely at the doors of the schools. On the other hand, the Indigenous community also questioned the role of parents:

Too many of our kids have no one who cares for them. The Government gives out family bonuses of \$3,000.00 and they think this will help. What will end up happening is that we'll have more kids having more kids.

We've got to work with this generation and we need to look at their education otherwise that's the end of it. We've got parents here at home smoking and drinking their heads off and they always blame their problems with their kids on the workers at the Co-op. The parents are gambling their kid's money away (Regional Victoria).

If the adults don't change their ways about how they're treating their kids then you're gonna have a worse dilemma than you've got now with the kids (Regional Victoria).

At the level of the schools, the most frequently cited explanation was the apparent readiness with which suspension was resorted to in dealing with Indigenous students. The following selection of comments speaks for itself:

My 16-year old son was kicked out of school. He has Attention Deficit Hyperactivity Disorder (Regional Victoria).

It's not fair. We have one kid doing Year 10 and he got suspended from school for nothing. Now he's having trouble catching up (Regional Victoria).

We've had two kids here suspended from school and they've been out of school for over 12 months. Just because the kids were misbehaving a bit, the school won't take them back (Regional Victoria).

In one of our schools we have 36 Koori kids enrolled and 25 at another of the schools. You might think that is fantastic but you can have up to 16 kids suspended at one time for various reasons (Regional Victoria).

The theme of school inflexibility was common:

We have about 14 to 15 kids in high school and 30 in primary school. I've been losing kids one after another from suspensions or being expelled. I know that some of them have done the wrong thing, but the principals are not open to mediation (Regional Victoria).

There's been lots of our kids who have been suspended for little things or nothing at all. Most of the time these things could have been resolved but the school just doesn't want to try (Regional Victoria).

And the lack of meaningful communication between schools staff and parents is clearly evident:

We've had kids suspended from school for not having the right shoes on or because of their behaviour. My kid had runners on once and the principal told him to go home (Metropolitan Melbourne).

Last year the school tried to de-enrol my son because of his behaviour and he wasn't attending school. I tried to explain to the principal that there were some personal issues [the death of his sister] which caused him to react in this way. The principal didn't want to listen at all (Regional Victoria).

Economic disadvantage of families could also create difficulties for children attending school as teachers did not appear to understand:

Teachers have no understanding that sometimes there's just not enough money to make sure the kids have the right school shoes or the right uniform ... the kids suffer because they end up suspended for that (Metropolitan Melbourne).

At a school in [location withheld] I bought a young boy a pair of school pants because his mother couldn't afford to buy them for him ... he was getting hassled by the teachers and he didn't want to go to school because they were always picking on him (Metropolitan Melbourne).

The school contacted me one day because one of the Koori kids was coming to school and he was smelly. He had his food and everything and I think that's more important but his mother couldn't afford to buy shampoo and washing powder because she spent it on the food (Regional Victoria).

I remember that when my kids went to school I couldn't afford the schoolbooks so I photocopied them. The teachers told my kids that it wasn't good enough so I went and told them off. I reckon the education system stinks (Regional Victoria).

This perception of official school attitudes as unyielding was sometimes attributed to their cultural commitment to traditional western bureaucratic educational systems. *It's all about the rules of the school*, one Indigenous person told the Review, *they can just threaten our kids with suspension whenever they like*. Or, as another put it, *unfortunately, the schools do not have flexibility to take into account the different learning styles and like to do things in the traditional teaching way*. Others, however, sensed a more generalised lack of interest, care or cultural and social sensitivity on the part of schools and teachers:

He gets no support or help from the school. They just don't care (Regional Victoria).

A lot of teachers here don't care if black kids are at school or not (Regional Victoria).

We have a high absenteeism rate at our schools because the teachers are just not Koori friendly (Metropolitan Melbourne).

There was an issue recently in the mainstream school where a young Koori lad had 20 kids hanging around with him. Most of these kids were his relations. He was accused of being a gang leader. I met with the school to try and explain the situation and they insisted he was the leader of a gang. The kid's parents removed him from the school after that (Regional Victoria).

The schools here say that Aboriginal studies don't need to be taught in this school (Metropolitan Melbourne).

Nor was criticism of this kind exclusively reserved for the white establishment:

You've got Koori educators who couldn't care less ... Why aren't the Koori educators out on the playground looking after these kids? (Regional Victoria).

Why do they put black educators in schools? What's their role anyway? To this day I don't know what they do. I understand that their role is to support the Koori kids but they don't. They always look after the white ones first ... I feel that the Koori Educators have become white teachers – they defend/justify all the time ... Koori educators get in these positions and they should be there for our kids and support them when they need it (Regional Victoria).

I don't think our Koori Liaison Officers in the schools are working as effectively as they should be. They should be assisting kids instead of letting them slip through the cracks (Regional Victoria).

From a non-Indigenous participant in a KODE school there is this observation:

[In the KODE school] there are about 78 kids from prep to Year 12 so in any one year level there may be only 4 or 5 kids which makes running the curriculum quite difficult ... a high number of families are on education maintenance allowance so meeting basic needs is sometimes a barrier to getting to school. The school is an annexe of the mainstream College which means they often miss out on things as they do not really share much with the main campus ... this also creates a feeling of being temporary when they have in fact been going for 9 or 10 years. Opportunities for staff are sometimes slim on the ground ... lack of resources is always a barrier (Metropolitan Melbourne).

An Indigenous member's view on the KODE schools was not exactly positive, even though this educational opportunity could address some of the identified concerns:

I thought that the Koori Open Door Education School was supposed to be there for our kids. Anyway, the KODE School here is not going well at all (Regional Victoria).

According to the Melbourne Metropolitan RAJAC Plan (2004) which identified a number of concerns about education touching on non-Indigenous students and teachers as well as Indigenous students:

Schools are not teaching non-Koori students about Koori cultural heritage, resulting in a lack of understanding of Koori community issues and the possibility of discrimination based on ignorance ... Young Koories are not being taught about their cultural heritage and current Koori issues and so often find it difficult to establish their place in the world ... Teachers [police and social workers] – all of whom have a big impact on the Koori community – should be given more and improved training about Koori issues to ensure they work better with the Koori community (Department of Justice, 2004d: 24).

Teachers come through training without any knowledge about Indigenous people ... it's an elective, not compulsory. We need to make sure students are taught about Indigenous culture. Indigenous people feel worthless, it

affects us that the culture is not known or appreciated (Metropolitan Melbourne).

As with all the other institutional settings covered in this Review, it was also the case that the problems surrounding the participation of Koori people in the educational system were frequently perceived as rooted in racism:

[Regional town] School doesn't want any Aboriginal people in the school (Regional Victoria).

This school has always had high pass rates for VCE in the state yet it's still a bad school as far as racism goes (Metropolitan Melbourne).

This school has always had the highest pass rate for Victorian Certificate of Education [VCE] ... yet it's still a bad school as far as racism goes. The Catholic school is racist too. One of the teachers told a Koori kid that he 'would never amount to nothing'. Up here it's really red-necked. The schools are just so racist (Metropolitan Melbourne).

Most teachers are racist in this area anyway. They even question you about the colour of your skin. You know, 'too white to be black, too black to be white' (Metropolitan Melbourne).

There are three Koori kids in the school at [Regional Primary School]. They get picked on all the time (Regional Victoria).

They try to push the Koori kids out in Year 11 (Regional Victoria).

Gubbah [non-Indigenous] kids never get suspended for standing up for their rights. Koories always do. One of my clients was on the playground and was called 'boong'. They retaliated and they were the ones who got suspended (Regional Victoria).

Recently at school a Tongan kid stood over a Koori kid for his lunch money. I told the principal at the school. All he said was 'what can I do?' It was only when I went back to him and complained that he finally did something ... The problem about complaining is that you have to cop the reprisals from the principal ... I asked him how many Koori kids had passed Year 12. He said none. All the other kids get looked after – Asians, Africans, Tongans (Regional Victoria).

While most comments were reserved for schools, the tertiary sector was not spared, in spite of some visible improvements in statistical trends (for details of statistical information see Volume 2 of the Review Report):

There is a great lack of higher educational opportunities for Koories (Regional Victoria).

There's not much on offer at TAFE for those community members who want to become justice workers ... if you want a career in this area you need to move away from [Regional Town] ... it's too expensive (Regional Victoria).

Indigenous persons are less likely to have post-school qualifications than non-Indigenous persons but a greater proportion of Indigenous females had advanced diplomas, diplomas and bachelor degrees than Indigenous males in 2001.

Since 1991 the number and proportion of Victorian Indigenous persons reporting having a post-school qualification has increased, particularly for Certificate level qualifications.

The overall result of these community concerns about education is that Indigenous students remain a long way behind in school achievement levels.

The number of Indigenous and non-Indigenous Year 12 students in 2003 who met the requirements for a Year 12 Certificate in Victoria (as a percentage of the number of students who commenced Year 11 in the previous year) was 45 per cent and 76 per cent respectively.

5.2.3 Review Comments and Recommendations

The majority of Recommendations relating to education are reported by DE&T as partially implemented with many programs and structures in place involving Indigenous people. Lifting attendance rates for Indigenous students in primary and secondary school is essential to enhance Indigenous educational outcomes. Similarly keeping Indigenous students engaged in school education and improving retention into senior secondary schooling (Year 10 to Year 12) is critically important. Increased retention is also crucial to improve Year 12 completion rates and equip Indigenous students with the skills and qualifications required by an increasingly diverse economy. Improving literacy and numeracy achievement for Indigenous primary school students is needed, particularly for reading where the most significant inequalities are found. Such core skills provide the foundation for future learning and achievement. Supporting Indigenous students in the transition from Year 9 to Year 10, from compulsory to non-compulsory school education and from Year 11 into Year 12 is important to build on the strong participation of Indigenous students in the vocational education and training sector.

At the same time the community responses clearly tell a different story, as do the statistics (see Volume 2 – Statistical Information) indicating that more progress is needed.

More specifically on pre-school education, the Review commends DHS for its KECEP program and particularly for the review and performance reporting processes it has undertaken in relation to the Commission's Recommendation 289 on preschool education.

The Review notes the initiatives taken by DE&T, in conjunction with VAEAI, in relation to Recommendation 290, which relates to Indigenous history, viewpoints, expectations and interests in curricula, teaching and administration. It also notes from the statistical overview (see Volume 2) that 3 per cent of Indigenous education students in the State are enrolled in four KODE campuses in Victoria and asks whether this mode of delivering education to the Indigenous community has been evaluated in terms of performance and the value in its possible extension to other parts of the State.

The Review received many responses from Indigenous respondents in relation to the alleged attitudes of teachers and principals, particularly on the problematic issue of suspension from school. Accordingly, it is unclear whether DE&T has systematically investigated this question and explored with its community partners, ways of ameliorating what is clearly seen by Indigenous people as a major issue of relevance not only to full participation in schools but also to the present and future involvement with the criminal justice system.

The Review notes the wide range of initiatives taken in relation to Indigenous participation in schools and educational decision making. It particularly notes the establishment of *Yalca* with its attendant array of subsidiary bodies and the emergence of a complex structure of local, regional and central bodies designed to deliver culturally and locally sensitive and relevant educational provision and participation. The Review also notes that *Yalca* and many of the ensuing developments involve a partnership with the VAEAI.

The Review found it impossible, from the information provided, to assess in any objective fashion the effectiveness or otherwise of this complex set of structures within the area of education in achieving DE&T objectives and, by extension, the objectives of the Royal Commission Recommendations in relation to education at the local level (Recommendation 291-293).

The Review notes the response of DE&T to Recommendation 294 in relation to the training of Indigenous teachers. However, it would have welcomed some data on the number of Indigenous people actually trained and subsequently employed in the education field, and in what capacity.

DE&T advised the Review that Recommendations 295 and 296 are reported to lie outside DE&T's portfolio responsibility. However, these Recommendations touch on important issues which are clearly relevant to the bulk of DE&T's activity in implementing the Commission's other Recommendations in this respect.

The Review notes the response of DE&T to Recommendation 297 and 298 in relation to the recognition of the role of Aboriginal education workers and Indigenous community controlled or supported adult education respectively.

The statistical trends indicate some recent increase in Aboriginal participation, in particular in TAFE. However, with the shortage of community views on post-secondary education, the Review considers that consultation is needed with the Indigenous community to better assess the effectiveness of implementation of Recommendation 298 in this area.

The Review welcomes the DE&T initiatives on absenteeism of Indigenous students and the investment of resources to combat this problem (Recommendation 72). It commends the department for its current evaluation review and intended reappraisal of policy.

Recommendation 3.

That the Department of Human Services continue to implement and monitor Recommendation 289 (relating to preschool education) through any monitoring process established as a consequence of this Review.

Recommendation 4.

- That the Department of Education and Training, in partnership with the Victorian Aboriginal Education Association Incorporated, consult with the Indigenous community on the implementation of Recommendation 298, relating to further education; and
 - (a) evaluate the Koori Open Door Education (KODE) program and assess its suitability for any improvements or further extension across the State;
 - (b) investigate the practice of suspensions in relation to Indigenous students, with a view to identifying ways of reconciling divergent views on the appropriateness of its utilisation;
 - (c) evaluate the arrangements arising out of *Yalca* and other departmental initiatives for the delivery of effective, culturally sensitive, locally based primary, secondary and tertiary education to Aboriginal communities ensuring appropriate Indigenous participation in the evaluation and delivery;
 - (d) review what has been implemented and by whom, in relation to Recommendations 295-297 on teacher training;
 - (e) provide data on the number of Indigenous people trained and subsequently employed in the education field and in what capacity (Recommendation 294);
 - (f) report on Koori community controlled or supported adult education;
 - (g) report on the evaluation review and reappraisal of policy in relation to truancy and investment of resources to address truancy (Recommendation 72); and
 - (h) provide a report on (a)-(g) to the appropriate Indigenous Education Forum.
- That the Victorian Government continue to implement and monitor Recommendations 290-299 (relating to Aboriginal education, needs, participation the role of the Aboriginal community in school decision making) and Recommendation 72 (relating to truancy) through any monitoring process established as a consequence of this Review.

5.3 Employment and Economic Status

The Royal Commission was quite categorical about the relevance of the economic status of Aboriginal people to their disproportionate rate of custody, and it was in no doubt whatsoever as to what that status was:

It is clear from available information that by nearly every economic measure, Aboriginal people are significantly poorer than any other sector of Australian society. High levels of unemployment, particularly amongst Aboriginal youth, low income and occupational status levels are continuing features of Aboriginal life. The resulting effect is that for many Aboriginal people, dependency on welfare payments is an inescapable conclusion. I point out that this situation is part of the historical legacy of the dispossession of Aboriginal people and their continuing exclusion from economic power structures rather than the making of Aboriginal people themselves (Royal Commission, 1991b, Vol. 2, 17: 377).

The Commission recognised that three main areas needed attention in relation to the importance of employment and economic status as the issues underlying high rates of Aboriginal detention in custody. First, it acknowledged the need for further research on the general economic situation of Aboriginal people. Second, it recognised the need for attention to be paid to the related questions of the Aboriginal community's participation in the economy through its own enterprises and its entitlement to participation in the development of enterprises emanating from outside the community. Third, and not least, the Commission confronted the question of unemployment. The Commission dealt with these issues in three separate blocks of Recommendations:

- (a) Research Needs;
- (b) Aboriginal Enterprise and Opportunity; and
- (c) Unemployment.

The Recommendations relevant to employment and economic status and the self-assessed implementation status reports from Victorian Government departments are set out below in full. They constitute the basis upon which the implementation status was determined. It should be noted that for a number of Recommendations, implementation is primarily a Commonwealth responsibility. However, where the Victorian Government has taken action that contributes to the implementation it is reported here against those Recommendations. This material represents the reports on progress in addressing the Recommendations and is made available to the community through this Review. Community responses and the Review comments and recommendations follow.

5.3.1 Royal Commission Recommendations and Implementation Status

(a) Research Needs

The need for further research into the economic circumstances of Indigenous people was addressed by Recommendation 320.

	Recommendation	Implementation status 2003
320	<p>That further research be undertaken in relation to:</p> <p>(a) The particular economic circumstances of Aboriginal people in discrete geographical areas, in order to:</p> <ol style="list-style-type: none"> i. determine the contribution which Aboriginal people make to the local or regional economy; ii. identify the sources of and amounts of funding which might be available to them; and iii. facilitate realistic economic planning by Aboriginal people which is consistent both with the prevailing economic circumstances and with their aspirations and lifestyle; and <p>(b) The impact of the overall taxation system on Aboriginal people and on Aboriginal organisations, and the extent to which Aboriginal people benefit from the Australian taxation system.</p> <p>Where research is commissioned or funded, a condition of the research being undertaken should be the active involvement of Aboriginal people in the area which is the subject of the research, the communication of research findings across a wide cross-section of the local Aboriginal community in an easily understood form, and the formulation of proposals for further action by the Aboriginal community and local Aboriginal organisations.</p>	C'wlth responsibility

Government Responses on Implementation

Recommendation 320: Research into the economic circumstances of Indigenous people in discrete communities

This Recommendation was supported in the 1996-97 Victorian Government Implementation Report.

(b) Aboriginal enterprise and opportunity

A group of Recommendations was designed to enhance Aboriginal business enterprises, in particular in the crucial areas of education, training and work experience, as well as the establishment of Aboriginal owned investment corporations to build asset bases.

The Recommendations aim to enhance funding programs and the appropriate involvement of Aboriginal groups or communities through consultation and negotiation and involvement in the planning, development, evaluation and implementation.

	Recommendation	Implementation status 2003
311	That the Aboriginal and Torres Strait Islander Commission ensure that in the administration of its Enterprise Program a clear distinction is drawn between those projects that are supported according to criteria of commercial viability and those that are supported according to social development or social service satisfaction criteria.	C'wlth responsibility
312	That the intention of Sections 17 and 18 of the Aboriginal and Torres Strait Islander Commission Act 1989 be clarified, by amendment to the legislation if necessary, in order to facilitate the funding of enterprises which are not necessarily commercially viable on the basis of social development criteria.	C'wlth responsibility
313	That the ongoing review of the Enterprise Program by the Commonwealth Government should seek to develop the Program in such a way that:	C'wlth responsibility
	(a) Adequate program flexibility is provided to allow for the diversity of aspirations and needs of different Aboriginal communities; and	
	(b) Funding difficulties caused by cyclic government budgeting and delays	

	Recommendation	Implementation status 2003
	between application and receipt of moneys are minimised.	
314	That mechanisms for the notification and determination of Aboriginal interests in major mining and tourism development proposals incorporate: (a) Provision of formal written notification concerning the development to appropriate Aboriginal organisations within the area affected by the development proposal; and (b) A process of consultation and negotiation between representatives of government, the developer and representatives of the Aboriginal groups with an interest in the area affected by the proposal in order to facilitate participation by Aboriginal groups or communities in the equity, management and employment concerned with the projects.	Fully Implemented (DTSCG) Fully implemented (AAV-DVC) Partially implemented (KBN-DIIRD)

Government Responses on Implementation

Recommendations 311-313: Business enterprise funding

These Recommendations have been classified as not relevant to Victoria according to the Victorian Government 1996-97 Implementation Report.

Recommendation 314: Notification and determination of Aboriginal interests in development proposals

Department of Tourism, Sport and Commonwealth Games (DTSCG) advised the Review that all Koori populations are taken into consideration, where appropriate, in policy and program development and delivery.

AAV (DVC) advised the Review that it provides advice on Aboriginal cultural heritage interests in relation to mining, tourism and other development proposals. Notification and determination processes are also governed by the 'future act process' in the *Native Title Act 1993*.

Where a mining or tourism proposal impacts on, or threatens, Aboriginal cultural heritage values there are protective mechanisms and processes that may be activated. It is proposed by the Victorian Government to develop new Victorian Aboriginal cultural heritage legislation to provide more effective protection of Aboriginal cultural heritage and broaden Aboriginal community involvement in decision-making processes. Information concerning the operation of existing cultural heritage legislation and the scope of the review is attached.

KBN (DIIRD) advised the Review that Aboriginal communities have been, and continue to be, consulted about the development and delivery of culturally relevant business programs and policy development.

(c) Unemployment

The Royal Commission recognised that for Indigenous, as for non-Indigenous people, the connection between unemployment and custody is a very strong and mutually reinforcing one. It attempted to deal with this issue by an extensive cluster of Recommendations. The intent of these Recommendations was to address ways in which government policies may be structured to maximise opportunities to improve the economic situation of Indigenous people, including maximising Indigenous participation and responsiveness to local needs, and streamlining funding and consultation between agencies.

The Recommendations address increasing opportunities for Indigenous people in the mainstream labour market, generating employment through community development and the expansion of economic bases of Indigenous communities, the Commonwealth's Aboriginal Employment Development Program (AEDP) and, in Victoria, the Community Development Employment Project (CDEP), training of Indigenous people to identify and respond to local employment and training needs, the importance of training and labour market policy programs, continued emphasis on public sector recruitment of Indigenous people and, preference to tenderers who employ Indigenous people, increasing employment in the private sector, funding of local employment promotion committees, and the employment, education and training needs of potential and existing Indigenous offenders. The need to employ and train Indigenous people as youth workers and teachers was specifically identified.

	Recommendation	Implementation status 2003
237	That at all levels of the juvenile welfare and justice systems there is a need for the employment and training of Aboriginal people as youth workers in roles such as recreation officers, welfare officers, counsellors, probation and parole officers, and street workers in both government and community organisations. Governments, after consultation with appropriate Aboriginal organisations, should increase funding in this area and pursue a more vigorous recruitment and training strategy.	Partially implemented (CC-DHS) Partially implemented (DE&T)
238	That once programs and strategies for youth have been devised and agreed, after negotiation between governments and appropriate Aboriginal organisations and communities governments should provide resources for the employment and training of appropriate persons to ensure that the programs and strategies are successfully implemented at a local level. In making appointment of trainers preference should be given to Aboriginal people with a proven record of being able to relate to, and influence, young people even though such candidates may not have academic qualifications.	Partially implemented (DE&T)
300	That support be given to the aims of Aboriginal Employment Development Program (AEDP) to: (a) Increase opportunities for Aboriginal people in the mainstream labour market to achieve equity with other Australians in the rates and levels of permanent employment; and (b) Generate employment through greatly enhanced assistance for community development and the expansion of economic bases of Aboriginal communities, including a recognition of and support for traditional Aboriginal economic activities as a legitimate form of employment.	C'with responsibility
301	That the Commonwealth, State and Territory Governments consider the desirability of entering into specific agreements (as, for example, are currently established under the Aboriginal Education Policy) for funding under the Commonwealth's Aboriginal Employment Development Program which set out agreed objectives, strategies and outcomes.	C'with led responsibility
302	That State and Territory Governments consider whether, in coordinating the planning and delivery of services under the Aboriginal Employment Development Program, including the development and coordination of planning at regional and local levels, the Aboriginal and Torres Strait Islander Commission regional boundaries should be adopted as the geographic basis for such planning and delivery, and (subject to their agreement to do so), The Aboriginal and Torres Strait Islander Commission Regional Councils should be involved in the planning process and perhaps take responsibility for it.	C'with responsibility
303	That State and Commonwealth Governments study the experience of the Aboriginal Economic and Economic Employment Officer program operated by the Western Australian Department of Employment and Training and other similar schemes which enhance local Aboriginal involvement in stimulating economic activity.	Partially implemented (KBN-DIIRD)
304	That spending on training and other active labour market policy programs (such as the Community Development Employment Project and job subsidy schemes) be given preference over spending on unemployment relief programs. The determination of priorities for particular	Partially implemented (DE&T)

	Recommendation	Implementation status 2003
	training programs must be better attuned to the particular needs expressed by local Aboriginal groups in their regional and community plans, and the skill requirements of the local labour market.	Fully implemented (KBN-DIIRD) C'wlth responsibility
305	That the emphasis on public sector recruitment of Aboriginal people should be continued. The emphasis should be not only to achieve a target total figure, but a target for Aboriginal employment at all levels in the public sector. The adoption of such latter targets involves the provision of training opportunities. The emphasis should be directed at the whole of the public sector including statutory authorities and government owned businesses and not designed merely to provide opportunities for employment within areas of service delivery to Aboriginal people (although it is very important to have Aboriginal people employed in those areas).	Fully implemented (OPE-DPC)
306	That governments attempt to encourage Aboriginal employment in the private sector, but until the private sector level of Aboriginal employment reaches an acceptable level, governments should be prepared to set targets for recruitment into the public sector at somewhat higher target figures than would reflect the proportionate representation of Aboriginal people in the population.	Fully implemented (OPE-DPC)
307	That Commonwealth, State and Territory Governments adopt a fair employment practice in relation to the letting of government contracts, which gives preference to those tenderers who can demonstrate that they have adopted and implemented a policy of employing Aboriginal persons in their workforce.	C'wlth led responsibility
308	That Commonwealth and State Governments give consideration to establishing a body made up of representation from government (Department of Employment, Education and Training and Aboriginal and Torres Strait Islander Commission, as well as State Governments) and Australian employer and employee peak bodies to discuss, with a view to setting in motion, a process of implementing the aims of the Aboriginal Employment Development Policy in the private sector.	C'wlth led responsibility
309	That increased funding be allocated to the establishment of local employment promotion committees comprised of representatives of Aboriginal groups, local employers, government departments and unions to: <ul style="list-style-type: none"> (a) Develop and implement suitable promotional marketing campaigns aimed at the total labour market; (b) Lobby for local initiatives in improving employment options and broadening local understanding of the needs and aspirations of Aboriginal people in the region; and (c) Increase the understanding in the Aboriginal community of the possible local employment options, the nature of the work involved and the skills required. In funding the establishment of the committees, priority should be given to locations where labour market opportunities exist and where the greatest disparity between Aboriginal and non-Aboriginal employment rates are identified.	C'wlth responsibility
310	That the Commonwealth, and in particular the Department of Employment, Education and Training, analyse its current programs with a view to ensuring that they fully address the employment, education and training needs of potential and existing Aboriginal offenders. Where necessary, existing program guidelines should be modified and/or new program elements developed to increase access by such clients. In particular, the Department of Employment Education and Training should examine means of assisting Aboriginal communities to become more involved in preventative, diversionary and rehabilitative programs to assist Aboriginal offenders, particularly where they would provide an alternative to incarceration.	C'wlth responsibility
317	That further extension of the Community Development Employment Project (or some similar program) to rural towns with large Aboriginal populations and limited mainstream employment opportunities for Aboriginal people be considered.	C'wlth responsibility
318	That in view of the considerable demands placed on staff of the Aboriginal and Torres Strait Islander Commission by the expansion of the Community Development Employment Projects scheme, consideration be given to developing a mechanism for devolving to appropriate consenting Aboriginal organisations, in particular resource agencies, responsibility for some aspects of the administrative support of Community Development	C'wlth responsibility

	Recommendation	Implementation status 2003
	<p>Employment Projects schemes, including in particular:</p> <ul style="list-style-type: none"> (a) Advising communities on the types of work which the community may wish to consider undertaking; (b) Advising communities on the potential for incorporating other types of funding for employment and enterprise development into a Community Development Employment Projects scheme; (c) Dissemination of information (collected by Aboriginal and Torres Strait Islander Commission) on successful schemes; (d) Financial and administrative support for management of a scheme; and (e) Assisting in the provision or coordination of training for participants and managers of Community Development Employment Projects schemes. <p>Those Aboriginal organisations should be adequately resourced to carry out the tasks which are devolved to them.</p>	
319	<p>That in the coming review of the Community Development Employment Projects Scheme consideration be given to:</p> <p>Funding</p> <ul style="list-style-type: none"> (a) Improved mechanisms for the combining of funds from different programs (such as the Aboriginal Enterprise Incentive Scheme and the Enterprise Program) to supplement the capital and recurrent funding of Community Development Employment Projects schemes in order to facilitate greater Aboriginal community control over infrastructural components of projects; (b) The introduction of a mechanism which ensures that Community Development Employment Projects schemes are not used as a substitute for the provision of an adequate level of municipal and other social services, unless funds equivalent to those which would have been provided in respect of municipal and social services are provided to supplement the operation of Community Development Employment Projects; (c) The recognition by the Department of Finance of Community Development Employment Projects as a discrete program with considerable offset savings to the government (in respect of administrative savings from non-payment of Unemployment Benefits), and the automatic provision of the 20% on-cost component - not from the ATSIC existing global allocation; <p>Equity Considerations</p> <ul style="list-style-type: none"> (d) The improved policing of payments under Community Development Employment Projects to ensure that all participants in Community Development Employment Projects receive an income equivalent to Unemployment Benefit regardless of work actually performed, subject to the participants' performance of their obligations under the scheme; (e) Addressing issues of access to income, and meaningful work activities for women participants in Community Development Employment Projects; <p>Administrative and Financial Management Support</p> <ul style="list-style-type: none"> (f) The enhanced involvement of Aboriginal controlled organisations and resource agencies in the provision of administrative expertise and advice in the operation of particular schemes; (g) Improvements in the financial control systems for Community Development Employment Projects and provision for the training of Community Development Employment Projects managers in the maintenance of financial controls; (h) Initiatives for the development of ATSIC staff training in negotiation and consultation skills, and in cultural sensitivity, in order to improve the effectiveness and minimise the burden of consultation and support provided by ATSIC to communities on Community Development Employment Projects; <p>Training and Employment Potential</p> <ul style="list-style-type: none"> (i) An improved level of training and planning support for projects, and for the development of medium and long term plans for Community Development 	C/wlth responsibility

	Recommendation	Implementation status 2003
	<p>Employment Projects which reflect the aspirations of participants for access to mainstream employment opportunities, enterprise development or culturally appropriate work;</p> <p>(j) Increased coordination between ATSIC and DEET in respect of the training requirements of both new and ongoing Community Development Employment Projects, and in relation to the enterprise development potential of Community Development Employment Projects; and</p> <p>(k) The dissemination of information to Aboriginal communities who are on Community Development Employment Projects or who are planning to apply to receive Community Development Employment Projects funds about successful work programs undertaken by other communities under Community Development Employment Projects.</p>	

Government Responses on Implementation

Recommendation 237: Employment and training of Aboriginal people as youth workers

Community Care Division (DHS) advised the Review that as discussed in its response to Recommendation 236 (Section 5.5 – Families and Children), the relevant policies and activities of the Division are premised on a self-management philosophy. Thus local Aboriginal community organisations are wherever possible funded by Community Care to provide the services, programs and initiatives with the expectation that they will employ Aboriginal people in direct service delivery.

DHS funds the Victorian Aboriginal Community Services Association Limited (VACSAL) as a peak organisation. One of the performance measures incorporated in the service agreement requires VACSAL to participate in a number of educational and advisory activities conducted with government and non-government organisations. To achieve this VACSAL actively participates in a number of educational settings. These include:

- Local Aboriginal Education Consultative Groups;
- Victorian Aboriginal Educational Association – a VACSAL Community Development Officer is the Chairperson;
- Northern Metropolitan Institute of TAFE and Royal Melbourne Institute of TAFE have Koori units and the Executive Officer of VACSAL chairs the Koori committees attached to these units;
- Conducting two cross cultural forums to secondary college students.

The Koori Juvenile Justice program funds seven full time and two part time workers across the state of Victoria. Also, each of the three Victorian Juvenile Justice Centres employs Aboriginal Juvenile Justice Workers to perform specific roles within custodial settings. Community based Juvenile Justice programs attempt to recruit Aboriginal workers, honorary probation officers and sessional workers to supervise and support Aboriginal young people subject to a community based disposition. Juvenile Justice supports the ongoing professional development of Koori juvenile justice workers through the provision of funding to ensure ongoing training.

The Department also referred the Review to its response to Recommendations 62 (Section 5.5 – Juvenile Justice), 235 and 236 (Section 4.5 – Families and Children) for more details of

general implementation achievements associated with the Koori Juvenile Justice Program and for details of other services and programs funded by the Child Protection and Juvenile Justice Branch.

Across all grades within the department, 68 staff have identified as Aboriginal. Staff are not required to disclose cultural identity and a number of Aboriginal staff have chosen not to identify. A census of VPS staff undertaken in August 2001 had a response from 4,890 people of whom 44 answered that they were of Aboriginal or Torres Strait Islander descent. Analysis of the OPE Census (July 2001) shows that of the Indigenous staff who responded, 15 per cent do not openly identify as Indigenous. The Department holds Aboriginal staff network meetings and between 20 and 40 staff attend.

The Department has an Indigenous Recruitment and Career Development Strategy and has identified a range of strategies and initiatives to improve services for Aboriginal people and to improve recruitment and career development opportunities for Aboriginal people. An Indigenous Web Site has just been launched on the DHS KnowledgeNet.

In relation to the Koori Juvenile Program, additional funding received in the 2002 to 2004 financial years has allowed for an increase in funding for the Koori Juvenile Justice positions and for the funding of three new part-time positions

As discussed in Recommendation 236 the primary implementation difficulties is that while a number of welfare programs and services targeting Aboriginal children/young people exist, apart from the Juvenile Justice Section there are no specific programs developed that target Aboriginal adolescents.

VACSAL have not raised issues relating to their involvement with these functions to DHS staff.

See Recommendation 62, 235 and in particular 236 for details of general implementation difficulties associated with the Koori Justice Program and other services and programs funded by the Child Protection and Juvenile Justice Branch.

An evaluation of VACSAL's role and further discussion would identify possible policy/program direction that would continue to meet the implementation requirements of the recommendations.

It is acknowledged by the Aboriginal service providers and the Child Protection and Juvenile Justice Branch that there is a need for specific policies in relation to the development of service responses and expertise in working with Aboriginal young people. The development of Aboriginal youth programs should be framed around the principle of self-determination with a focus on strengthening the role of local Aboriginal communities and organisations in devising and delivering programs and the availability of resources required to achieve this.

DE&T advised the Review that the Youth Services Program provides grants to qualified agencies to provide services that respond to the issues of vulnerable young people, with a focus on 12-18 year-olds. The Office for Youth assumed responsibility for administering the Youth Services Program in July 2002. The Office for Youth has recently funded Mungabareena Aboriginal Corporation to employ a Koori Youth Services Officer, who will establish links between local Aboriginal communities and mainstream youth services that are available in the local community.

The Victorian Youth Development Program (VYDP) is a community-based project that takes students out of the classroom and offers them a range of opportunities that promote youth

leadership, participation- team- building, confidence and awareness of community. The VYDP funds the Box Forest Koorie Open Door Education Program to help young Koorie people develop an improved relationship with police, as well as to improve their self esteem and conflict resolution skills. In providing a better understanding of the role of the police, the programs can help to prepare young Aboriginal people for a career as a youth worker or welfare officer should they decide to undertake such a career. In helping to improve the relationships with police, the programs also leave open the option of careers as probation or parole officers for young Aboriginal officers.

Two of the identified priorities for the Government outlined in *Respect: The Government's Vision for Young People* are:

- To encourage the development of programs that support the Indigenous young people and their communities in achieving self-determination.
- To encourage greater understanding and appreciation among young people of Victoria's Indigenous heritage including the promotion of Indigenous culture, history and language.

See Recommendation 300 for **Employment Programs (DVC)** response to this Recommendation.

Private Sector Skills Development: From July 2000 aims to develop partnership with the private sector to recruit 6,000 additional apprentices and trainees over four years in occupations experiencing skills shortage.

Youthcentral (previously Youth Employment Link):

See Recommendation 300 for **Employment Programs (DVC)** response to this Recommendation.

Recommendation 238: Resources for employment and training to ensure that programs are implemented

Refer to Recommendation 300 for **Employment Programs (DVC)** response.

A 2002 strategy, *Wurreker: The Koori Community and TAFE in Victoria in Equal Partnership*, signified a firm commitment by the Government to work with the Koorie community to improve educational and employment outcomes, with a subsequent impact on the social and economic development of the Koori community. The strategy was developed by the then Office of Employment, Training and Tertiary Education and VAEAI. EP continues to be an active member of the Wurreker committee.

DE&T advised the Review that as part of *Respect: The Government's Vision for Young People*, the Government is placing priority on the development of initiatives to encourage input from Indigenous young people on issues that affect them and enhance their leadership skills. The Office for Youth plays a lead role in pursuing these strategic directions across Government.

See Recommendation 237 for the two identified priorities for the government outlined in *Respect: The Government's Vision for Young People* by **DE&T**.

Recommendation 300: Increase opportunities for Aboriginal people in the mainstream labour market

The **Victorian Office of Public Employment (OPE) (Department of Premier and Cabinet) (DPC)** advised the Review that this Recommendation has been classified as outside its role.

Employment Programs (DVC) advised the Review that it recognises the clear need to improve employment opportunities and outcomes for Indigenous Australians. Employment Programs has enhanced its capacity to broaden access to jobs in the mainstream labour market, and in the public sector through the development of an Indigenous Employment Coordinator position.

- Employment Programs has recruited an Indigenous Employment Coordinator to increase Indigenous participation in Victorian Government employment programs – the Jobs for Victoria suite of programs.
- Employment Programs is also contributing to the whole-of-Government Lake Tyers Community Renewal Strategy by working with the Lake Tyers community – and local employment service providers – to develop and implement short, medium and long-term employment initiatives which provide employment and training programs on-site at Lake Tyers, and in the open labour market in the surrounding districts (Lake Entrance, Bairnsdale etc.)
- Employment Programs also has ‘local presence’ staff – Employment Development Officers in all regions of the state. These staff are working with local agencies – including Indigenous Community agencies, to develop initiatives which match the employment needs of local job-seekers – including Indigenous Australians.

KBN (DIIRD) advised the Review that DIIRD has a Business Scholarship available for an Indigenous Tertiary student undertaking a business related degree course to encourage the take-up of mainstream careers in business by Aboriginal people.

KBN (DIIRD) will be delivering information to Aboriginal people through Job Fairs to be run by the Department of Justice. This will provide information on careers in business related careers for Aboriginal people.

Recommendation 301: Aboriginal Employment Development Policy programs

With respect to Recommendation 301, **Employment Programs (DVC)** advised the Review in December 2002 that the EP aims to assist individuals in designated disadvantaged groups to secure and retain employment, and increase the skills of the Victorian workforce in line with industry requirements. This is achieved through the delivery of quality employment programs and services that are aligned with Government policy, that are responsive and connected to the needs of the community and industry, and that fill gaps in Commonwealth employment programs and services. The EP program target groups are generally identified as those job seekers not in receipt of Commonwealth services or disadvantaged groups and communities.

The major disadvantaged groups that the EP provides employment services to include young people (15-24), mature (45+), long term unemployed (12+ months), and disadvantaged communities.

In addition to the Indigenous Employment Initiative in Shepparton (see below), EP has taken a pro-active step to increase the participation of Aboriginal people in Employment

Programs and the broader labour market through the recruitment of an Indigenous Employment Coordinator. This Coordinator will work collaboratively with Indigenous peak and community agencies, employment service providers and state government agencies to ensure participation and better retention in employment programs and initiatives.

In partnership with the Commonwealth Department of Employment and Workplace Relations and the City of Greater Shepparton, Employment Programs supports an Indigenous Employment Initiative to place 100 Indigenous unemployed people into permanent employment over a three-year period with 61 Shepparton employers committed to providing 100 employment opportunities over this time. A key outcome of the initiative, along with the 100 employment outcomes, will be the successful skilling of Indigenous staff in employment service provision. The project's development stems from a number of meetings between the Indigenous community in Shepparton and Government representatives. The project includes the involvement of Indigenous people to work alongside non-Indigenous Employment Advisers and be trained in the positions.

EP employment programs are community-based, flexible, delivered locally to meet economic development needs and aligned with industry skills needs. Within the context, the principles of the *VAA* can be seen to assist the EP's implementation of the Royal Commission Recommendation as they focus on:

- recognition of the uniqueness and diversity of the groups to which services are provided, flexibility in local settings means that programs can identify and meet the needs of local communities;
- recognition of the marginalisation and disadvantage of particular groups in society and the resultant impact on social and economic involvement;
- commitment to local participation in the planning, delivery and evaluation of programs and services which is highlighted by the Indigenous Employment Initiative in Shepparton;
- ensuring flexibility at the local level so that programs and services meet the needs of target groups within their local communities;
- taking a whole-of-government approach to program and service development, for example, Community Jobs Programs links with the Neighbourhood Renewal Strategy;
- working collaboratively with local communities to achieve specific outcomes; and
- developing programs and funding arrangements that specifically target Aboriginal people in their local setting.

The *VAA* strategic objectives and initiatives that assist implementation also focus on:

- community participation in program development and delivery through collaboration, partnerships and mentoring as well as the training and employment of Aboriginal people in service development and delivery;
- development of culturally appropriate programs and services through the identification of local community needs;
- development of a coordinated and strategic approach including identification of best practice models and improved education and training outcomes via community-wide initiatives to encourage employment growth; and
- increasing community safety, security and well-being through recognition of the need to ensure that these concerns are a priority within mainstream programs.

The Indigenous Employment Initiative in Shepparton provides an example of good practice model for engaging with Aboriginal communities to provide employment opportunities for Aboriginal people in the larger community. The partnership with the Commonwealth aims to improve the ways in which governments interact with each other and communities to deliver more effective responses to the needs of Aboriginal people. The initiative also engages employers and the wider Shepparton community in addressing a local issue – high levels of unemployment among the local Aboriginal community.

Australia-wide Aboriginal unemployment rates continue to be significantly higher than those for non-Aboriginal groups (around 17 per cent and up to 40 per cent if CDEP participants are included), highlighting the continued need for locally-based employment and training programs that provide services to Aboriginal people – especially those between 15-24 as there is a significantly larger proportion (60 per cent) of young Indigenous people under 25 years of age, compared to about 21 per cent for the total population (Department of Employment and Workplace Relations, (DEWR), Indigenous Employment Policy, 2001).

EP is committed to developing strong alignments with the Commonwealth Government in an attempt to ensure that the State assists target groups that are not receiving Commonwealth services and that it develops programs that are complementary to those of the Commonwealth. The Memorandum of Understanding between the DVC and the DEWR illustrates that DVC is committed to fostering better communication and information sharing mechanisms with a focus on program and service synergies and best practice models. The Shepparton Indigenous Employment Initiative is a key example of collaboration between the State, Commonwealth and local Government and local Aboriginal community organisations to foster partnerships and best practice aimed at improving the level of Aboriginal participation in economic, social and political life.

This recommendation has been implemented through the collaborative development of the Memorandum of Understanding between DVC and DWER. This MoU established closer linkages between Commonwealth and Victorian Government employment and training programs so that job seekers receive maximum value from these programs.

A Memorandum of Understanding between DVC and DEWR is also current and reflected in initiatives such as the Lake Tyers Community Renewal Strategy which involves all levels of Government in improving access to employment opportunities.

Employment Programs (DVC) referred the Review to Recommendation 300.

Recommendation 302: Adjusting ATSI regional boundaries

AAV (DVC) advised the Review that this Recommendation is not relevant to Victoria.

Recommendation 303: Enhancing local Aboriginal involvement

KBN (DIIRD) advised the Review that KBN is developing a key Victorian Government Indigenous economic policy in the form of *Building the Economic Base*. The 2006 Melbourne Commonwealth Games will provide economic opportunities for Indigenous businesses through the Office of Commonwealth Games Coordination (OCGC) Indigenous Strategy *Respecting Indigenous Communities*. The KBN has carriage of delivering two initiatives from this Strategy – Business Training and Showcasing.

KBN (DIIRD) has encouraged community buy-in, in developing Indigenous economic policy as part of the *Building the Economic Base* Strategy. This was preceded by regional consultation in Indigenous communities which formed the basis for the Strategy.

Recommendation 304: Training and active labour market programs

Refer to the response by **Employment Programs (DVC)** under Recommendation 301.

Employment Programs (DVC) advised the Review that, while specific recruitment and training in juvenile welfare and the justice systems is undertaken by DE&T, DHS and DOJ, EP does provide recruitment and training for Indigenous people more generally through the Jobs for Victoria, suite of programs. Access to these programs is being strengthened through the efforts of the Indigenous Employment Coordinator recruited to Employment Programs.

In a partnership with the Commonwealth Department of Employment and Workplace Relations and the City of Greater Shepparton, Employment Programs supports an Indigenous Employment Initiative to place 100 Indigenous unemployed people into permanent employment over a three-year period with 61 Shepparton employers committed to providing 100 employment opportunities over this time.

The Indigenous Employment Strategy (*Wur-cum barra*) aims to open up careers for Indigenous people in the Victorian Public Service with 230 jobs created for Indigenous workers across all government agencies and at all levels over the next three years (June 2002-June 2005).

The Community Jobs Programs (CJP) is a grants-based program, employs participants (long-term unemployed) at full wages in community development projects that combine work experience, accredited training and skills development and which are linked to skills needs in local labour markets. Past and existing models of Community Jobs Program have supported Aboriginal projects, some of which have grown into sustainable businesses. Clear and strong linkages have been developed between CDEP and Community Jobs Program. Approximately 64 per cent of the Community Jobs Program participants gain employment, education and/or training on completion of the Program. Program performance figures for 2003-04 show that just under 4 per cent of Community Jobs Program participants were Indigenous Australians, hence the focus on boosting Indigenous job-seekers involvement in Victoria's employment programs through the work of the Indigenous Employment Coordinator.

Employment Programs (DVC) advised the Review that the Government Youth Employment Scheme (YES), provides 650 apprenticeships and traineeship opportunities within the Government for young people aged 15-24 with positions available across Victoria and in various occupations. Indigenous job-seekers are a specific target group under YES.

Youthcentral (previously Youth Employment Link (YEL) aims to ensure that young people (15-24) have access to current and relevant career information. Introduced in July 2001, and substantially re-vamped in 2004, the Youthcentral website and telephone helpline service provides young people with referrals to careers, training and employment organisations and resources.

EP's programs are aligned with current gaps in Commonwealth employment services to ensure that its services are complementary. Within that mission, EPD targets groups at particular disadvantage because of ineligibility for Commonwealth support. The main groups are young people aged 15-24, mature job seekers aged 45+, people from culturally and linguistically diverse backgrounds and communities experiencing multiple disadvantages.

EP is committed to forming strong links with the other State departments and the Commonwealth to ensure that employment services and programs are available to other disadvantaged groups in the labour market.

See response to Recommendation 300 by Employment Programs (DVC) for the remaining part of their response.

KBN (DIIRD) advised the Review that it had identified the following issues as a barrier to improving outcomes for CDEP projects:

- Lack of governance;
- Lack of long term planning and understanding of processes;
- Career path development for participants not happening;
- Very little business training for participants;
- Ownership of intellectual property and knowledge;
- Strategic directions in terms of management and participant long term aspirations;
- CDEP seen as an aspiration for school leavers;
- CDEP should not be a long term proposition;
- Lack of case managed approach to CDEP; and
- Skills-training not appropriate in many cases.

As such, a more strategic approach has to be applied to the CDEP programs in determining appropriate accredited training, skill transfer, governance, and career path development through identified career counselling. Mentoring programs should be established with appropriate mentors, extending to governance and business acumen. There should be support services for those individuals establishing businesses after CDEP, that is, KBN.

KBN (DIIRD) has developed a suite of business support programs that support CDEP programs and participants. These programs include: mentoring, professional development, pre-business workshops, business diagnostics and business planning, marketing and showcasing.

DE&T also advised the Review that the Strategy, *Wurreker (The Message Carriers)*, being implemented 2002-2004, emphasises that vocational education and training in Victoria will be underpinned by the principle of an equal partnership between the Koorie community and TAFE in Victoria.

The strategy focuses on planning and service relationships between TAFE and Koorie communities, through a network of regional committees and brokers in each of the eight regions of the VAEAI. These regional committees and brokers build on LAECGs to link local employers/industry, TAFE Institutes, Adult Community Education and Koorie communities to improve planning, delivery and outcomes of training for Koories.

Implementation of *Wurreker* in 2002 included a series of workshops across the State for key stakeholders including CDEP managers and participants. VAEAI also convenes State-wide meetings of all key stakeholders on a regular basis. However, in the detailed planning for *Wurreker* implementation it was highlighted that further work would be needed to strengthen the contribution of Koorie communities in the process. A project manager has been working with individual LAECGs to identify and implement strategies to build their capacity to participate in planning and decision-making processes.

See also the response to Recommendation 299 (Section 5.2 – Education) made by **DE&T**.

Recommendation 305: Public sector recruitment

The **OPE (DPC)** advised the Review that it has a range of information collection and reporting mechanisms in place to report on the application of Equal Employment Opportunity (EEO) principles. Equal Employment Opportunity refers to the outcome of processes that allow for diversity in the workforce, ensure fair treatment of individuals and eliminate direct, indirect and systematic discrimination.

In reporting to the Parliament on the application of EEO the Commissioner for Public Employment undertook a census of the Victorian Public Service. This census collected information about the diversity of the Public Sector workforce. The information relating to the profile of the Indigenous community in the Victorian Public Service was used to inform the development of Indigenous Employment Strategy – *Wur-cum barra*.

AAV (DVC) advised the Review that the September 1999 Government pre-election policy for Indigenous Victorians, *Reconciliation and Respect*, outlined a new framework aimed specifically at dealing with Indigenous social and economic disadvantage. This policy was further defined in November 2001 in the Government's vision and key statement of priorities, *Growing Victoria Together*. Simultaneously, the development of the *Wur-cum barra* (Indigenous Employment within the VPS) Strategy was initiated at the direction of the Minister for Aboriginal Affairs. The *Wur-cum barra* Strategy (2002-2005) is the first phase in what is expected to be a long-term strategy for increasing Indigenous employment in the Victorian Public Sector. The main goal of the Strategy is to ensure that all Public Sector organisations implement organisational level policies, practices and programs that increase the representation of Indigenous people within all areas and levels of the Public Sector. The development of the Strategy was undertaken in four stages:

- Preliminary research and the establishment of statistical information;
- Indigenous community consultations;
- Other stakeholder consultations; and
- Interpretation and analysis/preparation of the final strategy.

A Human Resource Reference Group was established in May 2001 to provide detailed Victorian government departmental input into the development of the Strategy. Under the *Wur-cum barra* Strategy, VPS organisations have primary responsibility for the development and implementation of Indigenous Employment Plans. The development of such plans is to occur within the context of the *Wur-cum barra* Strategy: government wider targets, timelines and monitoring processes. However, the primary focus will be providing organisations flexibility and support to develop Indigenous Employment Plans that are relevant to their business requirements. The mandatory component of the *Wur-cum barra* Strategy will link organisational level planning with strategic 'whole-of-government' programs and services, and ensure that outcomes at the organisational level are both monitored and reported on in the context of the strategy's overall government-wide targets and objectives. A majority of departments have developed draft implementation plans in meeting the requirements of the *Wur-cum barra* Strategy.

A number of monitoring and support functions will be used to underpin the overall monitoring of the *Wur-cum barra* Strategy outcomes. These include the: VPS Employment Statistics Data Base; VPS Organisational Self Assessment Program; VPS Employee Attitude Surveys and Future VPS Staff Census Surveys.

With effective data systems in place, the OPE has offered ongoing strategic advice on future employment trends and opportunities to departments, education providers and Indigenous communities. AAV will work in partnership with the OPE ensuring that Indigenous employment issues are integrated into mainstream government employment data collection, organisational self-assessment and reporting process.

Additionally, *Wur-cum barra* Strategy outcomes will be published on an annual basis in two government reports: the Commissioner for Public Employment's *Annual Report*, and the *Annual Aboriginal Affairs Report*.

AAV (DVC) further advised that *Wur-cum barra*, the whole-of-government strategy, launched in 2002, to increase ongoing employment and training of Indigenous Victorians at all levels in the public sector. The Strategy commits public sector organisations to achieving results in six Key Result Areas (KRA's), namely:

- Capacity Building and Pathways,
- Recruitment, Induction and Retention,
- Career Development,
- Changing Workplace Culture, and,
- Links with the Indigenous Community Organisations sector.

The implementation of the *Wur-cum barra* Strategy commenced in 2002. VPS Departments and public sector agencies are required to employ and or fund an additional 230 Indigenous employees by June 2005.

Correspondence from the Minister for Aboriginal Affairs and the Commissioner for Public Employment was sent to the Boards and CEO's of all targeted organisations in April 2004. Since then, OPE has conducted eleven promotional forums which have attracted a total of 251 participants from 122 organisations.

The *Wur-cum barra* Co-ordination Committee was established in February 2004, to provide support, advice and assistance to the relevant stakeholders. Membership of the Co-ordination Committee consists of senior level representatives from relevant Indigenous Organisations and Government Departments.

Wur-cum barra, the Victorian Indigenous public sector employment strategy, was launched in July 2002 to improve Indigenous employment opportunities and promote diversity within the public sector workforce. The Strategy identified and responds to barriers to Indigenous employment and sets targets to increase the representation of Indigenous people throughout the Victorian Public Sector.

By July 2005, the aim is for 230 new Indigenous staff to be employed or funded by the Victorian Public Sector (including Victorian Public Service departments and agencies, Victorian Public Sector organisations and Statutory Authorities).

<i>Wur-cum barra</i> Progress – January 2002 to June 2004				
<i>Wur-cum barra</i> Progress January 2002 to June 2004	Estimate 2002*		Indigenous Staff at 30 June 2004	
	Ongoing	Fixed Term	Ongoing	Fixed Term
VPS core Department	88	24	126	54

*An estimate for January 2002 was necessary because of errors and difficulties in previously reported data.

In addition to the recruitment, under this policy:

- 63 per cent of departments now target employment information to Indigenous communities;
- 25 per cent of departments target employment information to education and training providers; and
- 246 staff attended cross-cultural awareness training.

Departments have also reported an increase in other employment-related activity, which is likely to sustain *Wur-cum barra* in the future. DPC, DSE, DVC, DIIRD and Department of Infrastructure (DOI) have all introduced scholarships or cadetship programs which complement existing programs conducted by DHS and DOJ. In addition, Department of Primary Industries (DPI) and DHS have employed Indigenous Employment Co-ordinators to implement and further develop *Wur-cum barra*.

The level of recruitment is one of six key result areas for *Wur-cum barra*. *Wur-cum barra* is also concerned with capacity-building and pathways, induction and retention, career development, changing workplace culture and supporting Indigenous employment in government funded community organisations. During 2004 the strategy is being extended to public sector agencies.

A number of current initiatives will lead to positive outcomes, including developments relating to Indigenous cadetships and traineeships. A further positive development was the recent selection of two Indigenous participants for the VPS Graduate Recruitment Scheme.

Progress has been made in development of resources to support the public sector organisations, including:

- Work on the Human Resources Toolkit, the primary information resource to assist both Departments and the public sector organisations in implementing *Wur-cum barra*. The Toolkit is available on the OPE website.
- The Labour Market Analysis (LMA), which can be accessed through the OPE website www.ope.vic.gov.au

The primary focus of OPE activity is firstly, overseeing the implementation of *Wur-cum barra* in the broader public sector (particularly in larger organisations employing over 500 employees); and secondly, influencing the supply of Indigenous recruits through the provision of information about *Wur-cum barra* to Indigenous Community Organisations and education and training providers. OPE is also actively encouraging many smaller organisations located in regions with a significant Indigenous population and/or where there is an ongoing business need to service Indigenous clients, to engage with the strategy in a variety of ways based on the above KRA. Specific emphasis is being placed on the development of linkages between Indigenous communities and public sector organisations.

The OPE surveys government departments quarterly and produces data reports on Indigenous staff. The most recent survey was to be completed at the end of September 2004. OPE is currently developing a data collection strategy for the public sector. This will provide information on progress in developing and implementing Indigenous Employment Plans in larger public sector organisations.

The Commissioner for Public Employment is currently preparing a report on the status of *Wur-cum barra* implementation in targeted Phase Two organisations.

Recommendation 306: Setting targets for public sector recruitment

The **OPE (DPC)** advised the Review that *Wur-cum barra*, the Government's Indigenous Employment Strategy, will provide a strategic framework within which recruitment targets for Indigenous persons can be established. As stated in this strategy, agencies will vary in their capacity to contribute to an overall sector target, and accordingly will need to take into account the following factors:

- The overall composition of the levels and occupation types within their organisation;
- The extent to which the activities of the organisation impact on Indigenous communities;
- The capacity of the organisation to engage in ICO funding;
- The availability of qualified and interested Indigenous recruits for specific occupational professional positions; and
- Current Indigenous representation.

However, such a focus on targets and numbers can detract from a need to focus on retention and employment issues for staff once they are employed. Currently, focus is on progressing the six KRA, which will lead to a long term increase in Indigenous Employees in the public sector.

Recommendation 307: Preference to tenderers who employ Aboriginal people

AAV (DVC) advised the Review that some individual departments have commenced work on this Recommendation. For example, the DSE and the DPI and AAV (DVC) are examining their tender processes under the Indigenous Partnership Strategy.

Recommendation 308: Encouraging employment in the private sector

See Recommendation 300 for **Employment Programs (DVC)** response to this Recommendation.

Recommendation 309: Funding local employment promotion committees

Employment Programs (DVC) advised the Review that it is not involved in funding local employment promotion committees but has, in partnership with the Commonwealth DEWR and the City of Greater Shepparton, funded an Indigenous Employment Initiative to place 100 Indigenous unemployed people into permanent employment over a three-year period with 61 Shepparton employers committed to providing 100 employment opportunities over this time.

See also response to Recommendation 300 for **Employment Programs (DVC)** response to this Recommendation.

KBN (DIIRD) advised the Review that through its Industry Growth Program, it identifies industry trends in labour market opportunities i.e. business or community enterprise, and across industries such as arts, cultural tourism, aquaculture and land based industries, where there is potential for Indigenous involvement. This initiative provides opportunities to increase Indigenous employment through the establishment of both individual and/or community enterprises. The KBN, through its Industry Growth Program, provides specialist advice and support to existing and potential Indigenous businesses.

The KBN, in working across the three tiers of Government, and its participation within local and regional committees, advocates for Indigenous economic aspirations.

KBN (DIIRD) has implemented a scholarship for an Indigenous tertiary student studying Business or a Business related course, to increase the participation of Indigenous people in the broader labour market.

KBN (DIIRD) is delivering a number of industry pilot programs, in aquaculture and bush foods, in partnership with Aboriginal communities. The KBN is looking to extend these pilots to individual indigenous entrepreneurs as well as extending these pilots to other key industries.

Recommendation 310: Employment, education and training needs of Aboriginal offenders

This Recommendation was classified as not relevant to Victoria according to the Victorian Government 1996-97 Implementation Report.

Recommendations 317–319: Community Development Employment Project

KBN (DIIRD) advised the Review that it provides advice and facilitates opportunities for Aboriginal communities and individuals, in the establishment of community enterprise.

The KBN through its Growing Leadership Capacity program provides opportunities to look at best practice projects throughout Australia. One example of best practice would be the Yarnteen Initiative in Newcastle or the Kimberley Aboriginal Aquaculture enterprise in Broome Western Australia.

KBN (DIIRD) advised a more strategic approach needs to be applied to stimulate employment opportunities in industry sectors where potential has been identified for industry growth in particular where market demand is strong.

Issues which impact negatively on all aspects of community particularly within regional centres and small communities where by unemployment of Indigenous people is at an all time high and can be associated to the systemic levels of racism. This can be identified through low levels of Indigenous people being employed within the mainstream sector i.e. retail, hospitality, trade etc.

The Royal Commission recommended the importance of developing an Indigenous Cultural Industry Strategy. The Aboriginal and Torres Strait Islander Commission (ATSIC) led the development of the Strategy in 1997. Mercer in his 1997 report *Creative Country* to ATSIC stated that, *this Indigenous (arts) industry sector is vitally important for the cultural, social and economic wellbeing of all – especially Indigenous Australians.*

The KBN *Deadly Arts Business* project, delivered in partnership with Arts Victoria, is aligned with the principles in the Strategy: cultural maintenance and revival; protection of artists' rights; regional differentiation; information distribution systems; training and product development support; business development support; marketing assistance and research. *Deadly Arts Business* was launched in May 2002. As a State Government project, it supports all Aboriginal and Torres Strait Islander artists living and working in Victoria while promoting South East Australian Aboriginal art.

KBN *Deadly Arts Business I*, was delivered in partnership with Arts Victoria, and is aligned with the principles in the Strategy: Cultural maintenance and revival; Protection of artists'

rights. *Deadly Arts Business I* has been completed, and evaluated with many successful outcomes.

In partnership with the Koori Heritage Trust and Arts Victoria, KBN will soon launch *Deadly Arts Business II*.

5.3.2 Community Responses

No information on the implementation of Recommendation 320 relating to further research into the economic circumstances of Indigenous people was elicited in the course of the consultations with Indigenous people.

Little information was elicited on Recommendations 311-314 relating to Aboriginal enterprise and opportunity during consultation with Indigenous people. However, one respondent saw a clear need for Indigenous enterprise as a means of dealing with unemployment ... *for employment to improve we need to create our own businesses*. The following story, as related to the Review, appears to represent a possible departure from the intention of Recommendation 311 with regard to the application of social as opposed to solely commercial criteria in the provision of support for business initiatives:

There was one fella here who had a great idea about cutting wood for the Elders. It was good because his plan was to sell the wood to the Elders at a much cheaper rate. He was told he needed to develop a business plan first and that it wasn't a good business venture because it didn't make enough money. He told them he wasn't interested and that the whole idea was to help the Elders by only paying \$50 per trailer load instead of \$100 (Regional Victoria).

It would be highly desirable to assess in more detail community views in the area of economic enterprise and opportunities for Indigenous people and in particular, what the obstacles are and how they may be overcome.

The subject of unemployment elicited many vocal responses from the Indigenous community across the state during consultations. Despite acknowledgment that the employment situation generally was not easy in Regional Victoria, the community expressed the belief that the problem was particularly acute for Indigenous people. In one regional town, the Review was told the unemployment rate for Aboriginal people was at least three times that of the rest of the population. In another, unemployment was said to be *our biggest problem*. Elsewhere, and almost universally, the opinion volunteered was that employment opportunities were very poor and that unemployment, particularly among the young, was significant.

While Indigenous Victorians generally had higher levels of unemployment and lower levels of employment than non-Indigenous Victorians, the unemployment rate for Indigenous Victorians has fallen. For example, the unemployment rate for Indigenous males has fallen from 30 per cent in 1991 to 20 per cent in 2001.

From 1991 to 2001, there has been a 51 per cent increase in the number of Indigenous males employed, and a 64 per cent increase in the number of Indigenous females employed in Victoria.

Although, as already pointed out, general employment difficulties were recognised, there was also a strong body of opinion, consistent with the Royal Commission's view of the interconnectedness of underlying influences, that discrimination and racism played a significant part in creating this situation. Sometimes this was simply perceived as a systemic outcome – *there are no Koories employed in the local businesses here in [Regional town]*. According to the report *Take It or Leave It* (2004) in a regional city (where 10 per cent of the population is Indigenous), no Aboriginal people were employed in local government (except for employment of seven Commonwealth funded trainees) and in a survey of major retail and private sector services, of 221 staff on duty, not one was identified as Aboriginal (Cutcliffe, 2004: 17).

On a number of occasions racism was seen to be quite systematically at work:

There was an incident once where one of our community members [was] told 'don't expect employment and training for you Abos' (Regional Victoria).

One of our young ones applied for a job at the local [department] store. She didn't get it and was told by the boss that you didn't get it because one of your mob stole from here before (Regional Victoria).

It's not until you try to get a job in this town [Regional location] that you realise how much prejudice there is. Some people are just racist, full stop, and then some are just afraid to take the chance on employing a Koori person (Regional Victoria).

The deep-seated prejudice evidenced by the fear alluded to by the last respondent was also noted in the Saulwick-Muller study conducted in Morwell in 2000:

One person recounted an experience at a business lunch when he had asked an employer which of two people he would employ – a Koori or a European, both of whom had just graduated with equal marks in the VCE. The business-man had said he would employ the European. Asked why, he disclaimed any racial prejudice on his own part, instead saying that his clients would be less comfortable dealing with an Aboriginal person.

He had then asked the same question of four other employers at the same lunch, and received the same reply (Saulwick and Muller, 2000: 118).

Whether or not it was specifically racial prejudice that lay at the base of the following story recounted to the Review Team, it was certainly perceived by Indigenous people as such:

Last time I got out of here I got a job in the abattoirs [Regional Victoria] ... One day the Homicide Squad detectives came to see me at my work about the murder of someone I knew. I had nothing to do with it; they were only coming to talk to me. My boss said to me 'Is that the Homicide Squad? The ones who investigate murders and that?' I said 'yeah'. He said that I should go home for the rest of the day because that must have been

a bit hard on me. I went home and the next thing I know is that he rings me and says that I shouldn't come back to work for him anymore. I want to work but people never let you get on with your life. They want you to keep on paying until the day you die. Sometimes that's not even enough for them (Indigenous male prisoner).

Several comments were also given on the obligations of mainstream business to play their part in providing employment for Aboriginal people. As one person put it, *private businesses should help out in that regard; they get lots of black dollars from Co-ops and Koori organisations*, a sentiment expressed even more pointedly by another respondent who pointed out that *the Co-op spends heaps of money at the local petrol station [and] they need to give some back to the community too.*

The efforts of Aboriginal Co-operatives to achieve some mainstreaming in employment were applauded and when successful, as when a Koori girl attained a traineeship with [Retail Store], were seen as something to be celebrated. But overall, the emphasis was on the lack of employment opportunity outside of the public and community sectors:

There's a mechanic here [Regional Victoria] and he has trained up to thirty apprentices. Not one of these has been a Koori (Regional Victoria).

You don't see many Koories in jobs other than at the Co-op [Regional Victoria] ... Koories are not being employed in the private sector which is disappointing. There are only employment opportunities in the public sector and this creates prejudice in the community. Most Koories are employed in Koori community organisations, CDEP etc. (Regional Victoria).

Most of them leave school early, work in a community organisation and that's all they want (Regional Victoria).

The last two of the above excerpts from consultations with the Indigenous community underline the significance in this area, as in any other, of the unintended consequences of well-intentioned action. Unintended consequences apart, however, there was some scepticism about just how well the various government initiatives to improve the employment situation were working. In addition to being dubbed as still having a welfare mentality, DHS was very heavily criticised in one session for the inflexibility of its systems which precluded Koori organisations from working across DHS regional geographical boundaries. Other respondents were more direct in their criticisms:

They [DHS] don't employ enough Koories in identified positions. I think there are only about 6 Koories employed in DHS. They don't even offer any traineeships anymore. They did about 3 years ago but once the trainee completed the placement there was nothing on offer after that. They [DHS] don't have a good reputation with the Koori community (Regional Victoria).

The CDEP is no help to any of us and it is a waste of money (Regional Victoria).

Aboriginal employment initiatives are not working anyway (Regional Victoria).

What about all these traineeships through Wur-cum barra? Do they actually come out of it with some skills? (Regional Victoria).

Most of the time, when jobs are available for Koories, they end up doing meaningless work (Regional Victoria).

When you go and do studies you should be adequately rewarded in Koori organisations ... If I go to a non-Indigenous organisation I would be paid properly (Regional Victoria).

A number of Indigenous employees within Victorian Government departments offered comments on the *Wur-cum barra* Strategy:

Failing dismally. There's no career structure for us. The supports are just not there. There's no information coming out about how it is working, or not. Individual Indigenous employees can be very isolated in some agencies. Should there be more mentoring? (Metropolitan Melbourne).

We know that it is sometimes hard to recruit Indigenous people but there is also a lack of ongoing employment opportunities and we usually get positions that pay at the lower end of the scale. There was also a sense [that] by attracting Indigenous people into the Public Sector you weaken the Aboriginal community organisations capacity to deliver culturally appropriate services. Why can't there be a program of secondments or exchanges between the public sector and community organisations. Another way could be by getting Koori students into Government departments during their summer break (Metropolitan Melbourne).

In respect of employment within local government, one regional respondent noted:

The Mayor talks a lot but he doesn't do very much at all. No Koories work in our local council. We have a Statement of Commitment for Flag Raising during NAIDOC Week. The Flag flies here everyday anyway. There is nothing in the Council's strategy in relation to increasing Koori employment. The Mayor said that he'd try to get ten positions but it hasn't happened yet. It's probably only a tactic because the elections are due in November. But I have to say really that in the last three years the local government have come along way (Regional Victoria).

The Review in the course of its work also examined the RAJAC Plans developed in the last two years for any information on the important issues of employment and unemployment, and found that these were identified as concerns in all regions, in particular in relation to young Indigenous persons and Indigenous people released from prison. A number of strategies at the local level have been identified through the Plans and are being implemented or developed under the *VAAJ*.

5.3.3 Review Comments and Recommendations

The Review notes the late advice of AAV that Recommendation 320 should be allocated to KBN (DIIRD) and DSE, however, it is the view of the Review Team that there is a much broader responsibility for implementing this Recommendation across the three tiers of government and in partnership with the Aboriginal community.

In agreement with the Royal Commission findings it is fully agreed that economic disadvantage across the Indigenous community is a primary driver of Indigenous disadvantage and over-representation. It is not too difficult to say that there is a significant

gap in knowledge and research that relates to nexus between the Aboriginal community and the economy. To address this gap the Review Team is recommending that, as part of the development of an Indigenous employment development program type strategy an essential task be the mapping of economic opportunities, funding sources and Indigenous aspirations. This mapping exercise should be undertaken in partnership with the Indigenous community within the principles similar to those contained in the *VAJA*.

The Review acknowledges the technical irrelevance of Recommendations 311 to 313 on enterprise funding to Victoria since they specifically apply to ATSIC and the Commonwealth Government. At the same time, the Review believes that the principles enshrined therein have application to Victorian Government business enterprise programs.

The Review acknowledges the response from DTSCG and AAV (DVC) and the KBN (DIIRD) in relation to Recommendation 314 pertaining to the requirements of notification, consultation, negotiation and determination of Aboriginal interests in relation to major mining and tourism developments.

The Review notes the response to Recommendation 237 from Community Care Division (DHS), DE&T and EP (DVC) in relation to the levels of employment and training of Aboriginal youth workers.

The Review notes the response to Recommendation 238 from EP (DVC) and DE&T in relation to resourcing Aboriginal organisations to employ and training appropriate persons.

For Recommendation 300 the OPE advises that it is outside of its role. The Review notes the responses provided by EP (DVC) and KBN (DIIRD).

The Review notes the program and initiatives reported by Employment Programs (previously in DIIRD now located in DVC) in relation to employment development agreements, as envisaged in Recommendation 301.

The Review notes AAV (DVC) response in relation to Recommendation 302, which addressed the use of ATSIC regional boundaries, as not being relevant to Victoria. The Review Team is of the view that AAV (DVC) should undertake an examination of various schemes for the enhancement of local Aboriginal involvement in stimulating economic activity. The Review notes the response to Recommendation 303 from KBN (DIIRD) relating to developing a key Victorian Government Indigenous economic policy and the employment opportunities for Indigenous businesses for the 2006 Melbourne Commonwealth Games.

The Review notes the responses of KBN (DIIRD), EP (DVC) and DE&T on Recommendation 304 pertaining to training and active labour market programs and commends them on their useful response.

The Review notes the response from OPE (DVC) and AAV (DVC) to Recommendation 305. The Review notes, however, that Recommendation 305 calls for detailed rather than overall targeting (and associated training) for Aboriginal employment in the public service. It also notes the OPE advice that, while relevant data are not available at this time, a census of the Victorian Public Sector was conducted in 2004. It would be useful to analyse any data obtained in conjunction with the views of Indigenous VPS employees.

The Review notes the further response of OPE to Recommendation 306 with regard to enhanced public sector employment targets pending private sector levels reaching a more acceptable point. It commends the attention being paid to this matter within the framework of *Wur-cum barra*.

The Review notes the development of an options paper and further whole-of-government developments in relation to preferential tendering for those who can demonstrate adoption and implementation of a policy on the employment of Aboriginal people (Recommendation 307).

The Review notes the response from EP (DVC) on the encouragement of employment in the private sector (Recommendation 308), but it does not however address the Commission's Recommendation. The Recommendation proposed the establishment of a peak body with a view to setting in motion a process for implementing the aims of the Aboriginal Employment Development Policy in the private sector.

The Review notes the response from KBN (DIIRD) and EP (DVC) on Recommendation 309 that funding should be provided for local employment promotion committees. It further notes that the response refers again to the Shepparton initiative and to the work of KBN (DIIRD) across different government sectors. It is not clear, however, whether the funding arrangements for the Shepparton initiative are intended as a surrogate for the arrangements recommended in Recommendation 309, nor whether there are any realistic plans for its extension across the State.

The Review acknowledges that Recommendation 310, with its reference to the educational and training requirements of actual or potential offenders is addressed to the Commonwealth and to its Department of Employment, Education and Training for which responsibility lies for the Recommendation (now the Department of Education, Science and Training (DEST)). At the same time the Review believes that such educational and training requirements cannot be entirely a Commonwealth matter, not least because the key to meeting such requirements is likely to lie in State-controlled agencies such as institutions of TAFE and Corrections Victoria.

The Review notes that Recommendation 310 was not allocated to Corrections Victoria as it was classified as not relevant to Victoria according to the Victorian Government 1996-97 Implementation Report. The Review notes, however, that the Corrections Victoria (DOJ) has implemented and evaluated the Correctional Services Employment Pilot Program which includes Indigenous prisoners and offenders as target groups. Corrections Victoria has also implemented the Corrections Education and Training initiative specifically targeting Indigenous offenders in Community Correctional settings.

It is noted that the DHS response to Recommendation 310 also identified the need for specific policies in relation to service responses and expertise for staff working with Aboriginal children and young people.

The Review notes the response of DIIRD to Recommendation 317-319 on the Community Development Employment Project.

Recommendation 5.

- That the Department for Victorian Communities:
 - (a) expand the Indigenous Employment Initiative in Shepparton to other areas across the State and whether the target of providing 100 employment opportunities over a three-year period has been achieved (Recommendation 301 relating to employment development agreements);
 - (b) examine the various schemes for the enhancement of local Indigenous involvement in stimulating economic activity (Recommendations 302-303 relating to the proposed examination of various schemes for the enhancement of local Aboriginal involvement in stimulating economic activity);
 - (c) advise on how the needs of local Indigenous communities are linked to mainstream labour market programs and what proportion of the resourcing for those programs is allocated to Indigenous groups (Recommendation 304 relating to training and active labour market programs);
 - (d) advise on the provision of preferential tendering and the employment of Indigenous people in any Victorian Government tendering work (Recommendation 307 relating to preference to tenderers who employ Aboriginal people);
 - (e) establish a peak body, with partners drawn from the Commonwealth Government, private sector and Indigenous community (supported by a network of local employment promotion committees) to begin the process of implementing an Aboriginal Employment Development Program type strategy in Victoria (Recommendation 308 relating to the encouragement of Aboriginal employment in the private sector and Recommendation 309 relating to funding local employment promotion committees);
 - (f) ensure that the Aboriginal Employment Development Program type strategy is underpinned by significant research on the correlation between Indigenous over-representation and economic disadvantage (Recommendations 308 and 309);
 - (g) ensure that the principles of the *Victorian Aboriginal Justice Agreement* are underpinned in the establishment of the peak body referred to in (e) above (Recommendations 308 and 309);
 - (h) apply the principles enshrined in Recommendations 311 to 313 relating to Aboriginal enterprise and developing economic opportunities to its own business enterprise programs;
 - (i) report on what steps have been implemented to maximise Indigenous employment through Aboriginal interests in any major mining and tourism development (Recommendation 314);
 - (j) work with the Commonwealth Government on the effective delivery of the Community Development Employment Program across all Indigenous communities (Recommendations 317-319), noting the concerns raised by the Koori Business Network;
 - (k) undertake further research into the economic circumstances of Indigenous people at Lake Tyers and Framlingham Aboriginal Trusts (Recommendation 320);
 - (l) determine the contribution in which Indigenous communities make to the local or regional economy and the impact of the income and tax system on Aboriginal individuals and organisations (Recommendation 320);
 - (m) facilitate realistic economic planning by Indigenous communities which is consistent with the prevailing economic circumstances (Recommendation 320);
 - (n) advise on whether a database has been established, how it is being maintained and how it is used and accessed by the Indigenous community to assist in their planning processes (Recommendation 320); and
 - (o) provide a report to the Aboriginal Justice Forum on (a)-(n).
- That the Victorian Government continue to implement and monitor Recommendations 301 (relating to employment development agreements); Recommendation 302-303 (relating to the proposed examination of various schemes for the enhancement of local Aboriginal involvement in stimulating economic activity), Recommendation 304 (relating to training and active labour market programs),

Recommendation 5.

Recommendation 308 (relating to the encouragement of Aboriginal employment in the private sector), Recommendation 309 (relating to funding local employment promotion committees), Recommendations 311-313 (relating to Aboriginal enterprise and developing economic opportunities to its own business enterprise programs), Recommendation 314 (relating to Indigenous employment through Aboriginal interests in any major mining and tourism development), Recommendation 317-319 (relating to Community Development and Employment Project) and Recommendation 320 (relating to the impact of the income and tax system on Aboriginal individuals and organisations through any monitoring process established as a consequence of this Review).

Recommendation 6.

- That the State Services Authority continue to implement and monitor Recommendations 305 and 306 (relating to detailed targeting of Aboriginal employment in the public service and enhanced public sector employment targets respectively) through the *Wur-cum barra* Employment Strategy including:
 - (a) whether the targets in the *Wur-cum barra* Strategy to maximise employment of Indigenous officers in all areas and in all levels of the Victorian Public Service & Private Sector are being achieved;
 - (b) whether the targets set in the *Wur-cum barra* Strategy are based on the high unemployment levels in the Indigenous community, rather than on the proportionate size of the Indigenous community; and
 - (c) what resources have been allocated to implement the *Wur-cum barra* Strategy; and
 - (d) provide a report to the Aboriginal Justice Forum on (a)-(c).

Recommendation 7.

- That the Departments of Justice (Corrections Victoria) and Human Services (Juvenile Justice):
 - (a) develop specific initiatives to address the education, training and employment needs of Indigenous offenders in conjunction with the Commonwealth (Recommendation 310). This initiative has also been identified as a requirement in the *Victorian Aboriginal Justice Agreement*;
 - (b) provide a report to the Aboriginal Justice Forum on (a); and
- That the Victorian Government continue to implement and monitor Recommendation 310 (relating to educational and training requirements of actual or potential offenders) through any monitoring process established as a consequence of this Review.

Recommendation 8.

- That the Department of Education and Training:
 - (a) provide advice on the implementation of the *Wurreker* strategy, particularly with reference to its effectiveness (including evaluation from an Indigenous perspective, numbers in courses and how the contribution of local Indigenous communities in the process is being strengthened); continue to implement and monitor Recommendation 304 (relating to training and active labour market programs);
 - (b) provide a report to the Aboriginal Justice Forum on (a); and
- That the Victorian Government continue to implement and monitor Recommendation 304 (relating to training and active labour market programs) through any monitoring process established as a consequence of this Review.

5.4 Housing

The Royal Commission was fully aware of the significance of cultural differences between Aboriginal and non-Aboriginal society with regard to housing. *As well as prescribing a complex set of behaviours and duties, it observed, a house embodies an elaborate set of ideas and values* (Royal Commission, 1991b, Vol. 2, 18.3.1). Commenting on the European concept of housing it concluded:

Housing policies in Australia have operated on the assumption that it is the nuclear family which is the basic unit to be accommodated in a single dwelling. A parallel assumption of house design is that family members require private spaces within the dwelling, and that private and communal spaces must be clearly demarcated. In turn, the relationship between inside spaces, and between inside and outside spaces, is defined by usages deemed appropriate to each. The average Australian house – a dwelling of internally divided spaces set in a demarcated front and back yard, each with a set of appropriate behaviours—represents one set of possibilities for the organisation of a living space. Its assumptions are shaped by both history and culture. Aboriginal assumptions about the needs and organisation of domiciliary space are frequently quite different (Royal Commission, 1991b, Vol. 2, 18.3.2).

In Indigenous culture, the significance of the dwelling is traditionally very different:

Aboriginal conceptions of how a living space should be used may differ considerably from those of most non-Aboriginal people. In camps and outstations, dwellings are usually spread over a wide area. A traditional shelter can be infinitely modified or extended, and it is far more likely that people sleep and utilise spaces which are separate and distinct from the dwelling proper. This allows for maximum freedom of choice with respect to activities and interpersonal contact. In a European-style settlement, the minimal living areas between houses ensures that there is a real erosion of options with respect to location of fires, shades, and sleeping places, and a far greater concentration of people in a delimited space (Royal Commission, 1991b, Vol. 2, 18.3.1).

Add to this the fact that the question of housing may be linked inextricably in Aboriginal minds with the question of land dispossession, this issue clearly becomes one of much greater significance than simply one of providing adequate shelter and facilities:

Forms of Aboriginal social organisation find frequent expression in the apportioning and use of space – the association of people with 'country', the siting of dwellings and shelters, patterns of visiting and gathering for religious, ceremonial, social and recreational purposes are all fundamental aspects of Aboriginal sociability. Mobility and avoidance have great significance as a means of coping with adverse circumstances. The close settlement of different groups of Aboriginal people in 'communities' may lead to conflict not contemplated by those outsiders funding and planning new housing and infrastructure development (Royal Commission, 1991b, Vol. 2, 18.1.5).

At the same time, the Commission was acutely conscious of the fact that whatever the broader cultural significance of housing and, may be, partly as a result of that very significance, *living conditions continue to affect both custodial rates and the health status of many Aboriginal people for a number of reasons* (Vol. 2, 18.1.1). Among the reasons elucidated by the Commission were the connection between housing conditions and child removal (Vol. 2, 18.1.2), general environmental health risks (Vol. 2, 18.2.2), domestic violence and overcrowding (Vol. 2, 18.2.3) and general well-being (Vol. 2, 18.1.7).

In light of these considerations, the Royal Commission produced a series of Recommendations designed to address the relationships between poor and inappropriate housing, poor health, and the over-representation of Aboriginal people in custody. As the Commission noted, *Aboriginal people have lost control over the location, design, and function of their living spaces, with serious adverse consequences* (Royal Commission, 1991b, Vol. 2, Chap 18 Intro: 425).

A related aim of these Recommendations is to address cultural perceptions of the use of living space: support for design research, road funding, their impact on Aboriginal land and communities, and the development of community planning processes.

The Recommendations also aim to address housing needs, funding, adult education and training in homemaking and domestic budgeting, Aboriginal housing organisations, Aboriginal participation in the control of new construction, and the training of Aboriginal people to build and maintain community infrastructure.

The Recommendations relevant to housing and the self-assessed implementation status reports from Victorian Government departments are set out below in full. It should be noted that for a number of Recommendations, implementation is primarily a Commonwealth responsibility. However, where the Victorian Government has taken action that contributes to the implementation it is reported here against those Recommendations. They constitute the basis upon which the implementation status was determined. This material represents the reports on progress in addressing the Recommendations and is made available to the community through this Review. Community responses and the Review comments and recommendations follow.

5.4.1 Royal Commission Recommendations and Implementation Status

	Recommendation	Implementation status 2003
73	That the provision of housing and infrastructure to Aboriginal people in remote and discrete communities, including the design and location of houses, take account of their cultural perceptions of the use of living space, and that budgetary allocations include provision for appropriate architectural and town planning advice to, and consultation with, the serviced community.	Fully implemented (Office of Housing-DHS)
74	That the work of the Centre for Appropriate Technology in Alice Springs in the design of items specifically for infrastructural and technological innovations appropriate to remote communities, and that of similar research units, be appropriately encouraged and supported.	Classified as not relevant to Victoria
75	That Aboriginal communities be given equitable access to ongoing expenditure by the Commonwealth, State and Territory, and local authorities on roads. In addition, where new roads or changes to existing roads are proposed, it is recommended that no development should take place until the impact on Aboriginal land and the possible impact on Aboriginal communities that public access may have are established in consultation with those communities likely to be affected by the development proposal.	Fully implemented (DOI)
76	That the integrated analysis of infrastructure, housing, essential services and health as illustrated by the Nganampa Health Council's UPK Report be considered as a model worthy	Classified as not relevant to Victoria

	Recommendation	Implementation status 2003
	of study and adoption for the development of community planning processes in other States and areas.	
321	That any future accommodation needs survey include not only an emphasis on the physical housing needs but also incorporate assessments that relate to management, administrative and housing support needs; in respect of remote communities such surveys should also establish the need for hostel accommodation in service towns where people may be required to spend time utilising services not available in remote areas.	Partially implemented (Office of Housing-DHS)
322	That quantification of required housing stock take into account community aspirations as to the number of people who are likely to share a house, its location and potential impact on present and future infrastructure requirements.	Partially implemented (Office of Housing-DHS)
323	That: (a) Increased funding be made available to Aboriginal community groups for the implementation of homemaker schemes. Groups that may be appropriate to receive such funding should include women's groups, housing organisations and community councils; and (b) Adult education providers, and particularly Aboriginal community controlled adult education providers, be encouraged and supported to provide: i. courses in homemaking and domestic budgeting; and ii. courses for training Aboriginal persons as community advisers and teachers in homemaking.	a) and b) partially implemented (CC-DHS)
324	That the model which Tangentyere Council offers for integrating the various service delivery and administrative needs associated with Aboriginal housing be studied in other regions.	Classified as not relevant to Victoria
325	That the question of providing assistance to Aboriginal housing organisations in relation to administration costs and the cost of repair of housing stock receive close attention. In this respect the Community Development Employment Projects scheme appears to offer an excellent opportunity for communities to solve some of the problems of the cost of housing repairs whilst at the same time providing work of a type that opens the way for training in important areas of skill development.	Partially Implemented (Office of Housing-DHS)
326	That in recognition of both the depressed economic conditions in many remote communities and the importance of Aboriginal participation in the control of new construction: (a) Where governments require tenders to be called for public works, they introduce procedures to enable Aboriginal communities to participate in the determination of the award of the construction contract; (b) Such contracts should provide for the employment of labour from the community as far as is possible; (c) The training of local persons in preparation for employment pursuant to such contracts should be a high priority for training providers; and (d) Contracts should be let where possible to local tenderers, provided that their tender price is not unreasonably high. Pending these arrangements being put in place, and with consequent improvements in income for housing organisations, governments and authorities should take into account the need of housing organisations for assistance with their recent costs, in addition to funding for new dwellings.	C'with led responsibility
327	That: (a) Relevant Aboriginal training institutions and Aboriginal housing organisations, in consultation with the Department of Employment, Education and Training, devise and implement a strategy specifically directed to the training of Aboriginal people to build and maintain essential community infrastructure; and (b) This training program should be adequately coordinated with employment strategies established under the Aboriginal Employment Development Program and Community Development Employment Projects.	C'with responsibility

Government Responses on Implementation

Recommendation 73: Cultural perceptions of the use of living space

The **Office of Housing (DHS)** advised the Review that during 1997-98, the Victorian Government committed \$1 million for six family houses to the Lake Tyers Aboriginal Community which is a discrete Aboriginal Community approximately 30km east of Lakes Entrance, Gippsland. The \$1 million worth of housing will equate to approximately six family houses. A pilot/demonstration house was completed in May 2002. Under Stage 2 of the Lake Tyers grant, three family houses were to be completed and handed over to the community in May-June 2004. Discussions are currently underway between the Office of Housing, Aboriginal Affairs Victoria and the community regarding the construction of the remaining two properties. The Aboriginal community at Lake Tyers has been fully consulted on all aspects of the buildings which has included meetings with the community on numerous occasions to ensure that the design and location of the housing best meets the needs of the local community.

The **Office of Housing (DHS)** advised the Review that Recommendation 73 has limited application in Victoria. Properties managed by the Office of Housing and the Aboriginal Housing Board of Victoria are located in metropolitan Melbourne and regional areas. There are no properties located in isolated or remote communities.

In November 2004 representatives from the Department of Family and Community Services, the Office of Housing, Indigenous community organisations, Regional Councils and the AHBV conducted the first meeting of the Victorian Indigenous Housing Joint Planning Committee. The aim of the Indigenous Housing Joint Planning Committee is to improve housing outcomes for Indigenous Victorians across a range of tenures and geographical locations including in the two Victorian isolated/remote communities – Lake Tyers and Framlingham.

Recommendation 74: Support design and research into infrastructural and technological innovation

This Recommendation was classified as not relevant to Victoria according to the Victorian Government 1996-97 Implementation Report.

Recommendation 75: Road funding and impact on land and communities

The **DOI** advised the Review that the Recommendation is largely met by VicRoads' existing processes in relation to road funding, and investigations and consultation on new road projects. VicRoads undertakes detailed planning to prioritise road projects within the parameters set by the State Government's policy initiatives, strategic directions and planning policy framework. Further detailed studies are carried out in consultation with local councils, road user associations, local communities and other government agencies to establish plans and strategies for future development and management of road networks and corridors. All project proposals are assessed against objective criteria (examples of which are set out below). Under this system Aboriginal communities have the same access to road funding as any other community group, and as such are neither especially advantaged nor especially disadvantaged.

Prioritisation of projects is generally based on the following criteria:

- For maintenance projects – quality of road surface, road features and bridges and their need for maintenance, rehabilitation or improvement works, reducing accident rates and improving accident black spots.
- For new projects – improving traffic flows and transport efficiency, accommodating projected traffic volumes, improving roads to agreed standards, reducing accident rates and improving accident black spots, and increasing overtaking opportunities.

The *Planning and Environment Act 1987* and the *Environment Effects Act 1978* provide the legislative framework for the orderly, economic and sustainable use and development of land and supporting infrastructure. This legislation ensures that decisions take into account any social, environmental and economic effects of developmental proposals.

VicRoads undertakes cultural heritage surveys, Native Title analysis and social impact assessments (including assessment of property severance, property acquisition and relocation, loss of amenity, potential health impacts and changes in access to communities and community facilities) as a part of the planning process for all road projects that impact on these values. In the case of impacts on Aboriginal land and communities, these studies are carried out in consultation with all relevant Indigenous stakeholders.

VicRoads engaged in extensive consultation with Indigenous stakeholders during the development of its cultural heritage and Native Title guidelines. This has resulted in processes that work effectively for all groups concerned. This consultation is ongoing and feeds into future changes to processes and updates to publications. VicRoads also engages representatives from relevant local Aboriginal communities to participate in cultural heritage investigations.

Over the last two years VicRoads has developed several project-specific agreements and protocols and one general area agreement with relevant Indigenous groups that have proved to be highly effective in terms of identifying processes, increasing Indigenous involvement in road projects and enhancing relationships between VicRoads and Indigenous communities.

VicRoads is currently in the process of developing further general area agreements and project-specific protocols with Indigenous stakeholder groups to establish clear, effective and efficient processes with respect to Indigenous consultation, cultural heritage protection and environmental protection.

Recommendation 76: Community planning processes

This Recommendation has been classified as not relevant to Victoria according to the Victorian Government 1996-97 Implementation Report.

Recommendation 321: Accommodation needs survey

The **Office of Housing (DHS)** advised the Review that management, administrative and housing support needs are the major focus of the AHBV *Strategic Plan*. The Board is assuming increased management responsibilities with the intention of increasing the effectiveness and community accountability of these functions on an equitable basis across Victoria.

An Indigenous Housing Agreement was established in Victoria in 2003, between the Office of Housing, ATSIC/ Aboriginal and Torres Strait Islander Services (ATSIS), and the Department of Family and Community Services (FaCS). Following the dissolution of ATSIC/ATSIS, interim arrangements were entered into between the Victorian Minister for Housing and the Federal Minister for Family and Community Services to progress joint

planning. In November 2004 the first meeting of the Victorian Indigenous Housing Joint Planning Committee occurred involving representation from the Department of Family and Community Services, the Office of Housing, Indigenous community organizations, Regional Councils and the AHBV. The purpose of the Agreement and the Indigenous Housing Joint Planning Committee is to ensure a coordinated and collaborative approach to planning for Indigenous housing in Victoria, in order to meet the objectives of *Building a Better Future – Indigenous Housing to 2010*. Planning and reporting under the Indigenous Housing Agreement is aiming to: identify and address the unmet housing needs of Indigenous people; improve the capacity of Indigenous Community Housing Organisations and involve Indigenous people in planning; achieve safe, healthy and sustainable housing; and coordinate program administration.

Several strategies have been completed in 2002-04 and are being worked on in 2004-05 to achieve these objectives and ensure the responsiveness of the Aboriginal Rental Housing Program and the Community Housing Infrastructure Program to the needs of Indigenous Victorians.

Recommendation 322: Quantification of housing needs

The **Office of Housing (DHS)** advised the Review that identification of Indigenous housing need for the purpose of acquiring and improving public and community housing is subject to annual evaluation and improvement by the AHBV and the Office of Housing. Acquisition targets are currently set on the basis of identified need by location and household size, with targets reviewed by Board members in relation to local needs and appropriateness.

The National Standing Committee on Indigenous Housing is responsible to Housing Ministers for the implementation of the *Building a Better Future – Indigenous Housing to 2010* framework. In 2003, the Standing Committee produced a report that used a multi-measure approach to quantify Indigenous housing need. The approach measures housing need on several indicators, including homelessness, overcrowding, lack of affordability, dwelling condition and lack of access to essential services. The Office of Housing is presently contributing to, and supporting further development of the multi-faceted approach to measure need on three additional indicators.

National work on multiple measures of housing need, including affordability, overcrowding, homelessness and the availability of services and infrastructure, will be reflected in State planning once data sources are identified and agreed. The recently established Indigenous Housing Joint Planning Committee is working to address Indigenous housing need across a variety of tenures.

Recommendation 323: Increased funding for community groups, and courses in homemaking and budgeting

Community Care (DHS) advised the Review that DHS funding for Family Services is allocated to five Aboriginal Community Organisations throughout the State. The Family Services target groups of families with children 0-18 years who require assistance to provide a safe, nurturing and stable environment for their children. Indigenous families are included in the group of prioritised Family Service recipients.

Family Services Activities include family counselling, parenting education and support, in-home support. Family Services workers teach, support, model and give practical assistance in child-raising, home management and family functioning.

Family Services are a voluntary support service. Since 2002-2003 there have been 27 Innovations Projects established, including eight Indigenous projects, based in 29 Local

Government Areas (LGAs) to provide early intervention that will prevent problem escalation and minimise the need for protective intervention. There is a continuing need for appropriately experienced and qualified Indigenous staff in Family Services agencies, both Aboriginal-specific and general.

Community Care (DHS) further advised the Review that there were no details available as to what the coverage or up take of Family Services (Koori specific or non-specific) is in the Indigenous community. Some work is currently occurring to capture more specific data.

Recommendation 324: Integration of service delivery

This Recommendation was classified as not relevant to Victoria according to the Victorian Government 1996-97 Implementation Report.

Recommendation 325: Assistance to Aboriginal housing organisations

The **Office of Housing (DHS)** advised the Review that the AHBV has in the past twelve months actively canvassed Aboriginal organisations throughout Victoria in an effort to promote interest in potential employment opportunities. Potential opportunities involve Indigenous businesses and individuals working on properties managed by the AHBV.

The Office of Housing has included Indigenous organisations in the tender process for the construction of housing. East Gippsland CDEP were awarded a contract to construct two houses for the Aboriginal Rental Housing Program in October 2001 and the company will be offered further opportunity to tender for further works when available.

Recent contracts let for Indigenous housing within the discrete community at Lake Tyers includes conditions relating to the employment of local Indigenous people during construction.

Maintenance for mainstream public housing and AHBV managed housing operates under a head contractor arrangement, requiring contractors to be skilled in all facets of maintenance work. It is often problematic to let contracts to Indigenous organisations because generally most are not fully established to deliver a complete building response.

Often successful Indigenous contractors find it difficult to identify sufficient numbers of workers both skilled and non-skilled, especially in discrete communities.

The **Office of Housing (DHS)** further advised the Review that it has been working closely with the AHBV to achieve self-determination in the running of the Aboriginal Rental Housing Program. A Memorandum of Understanding has been developed between the Office and the Board to reiterate the commitment towards the staged implementation of the AHBV's *Strategic Plan* towards ownership of the Aboriginal Rental Housing Program. In 2004-05, this resulted in an improved service agreement between the two parties and the transfer of some tenancy management functions to the Board.

Through the National Skills Development Strategy and the AHBV's own training strategy, the Board and the Office of Housing are responding to the training needs of staff working in Indigenous housing provision.

Recommendation 326: Aboriginal participation in housing construction

AAV (DVC) advised the Review on the Aboriginal Affairs Victoria capital grants program. AAV is looking to introduce similar initiatives into the Indigenous Community Infrastructure program. The Lake Tyers Community Renewal project has introduced an approach to tendering which is consistent with the Recommendation.

Recommendation 327: Training of Aboriginal people for community infrastructure

DE&T advised the Review that the Recommendation is not applicable to Victoria as the matter is a Commonwealth responsibility. The Review was referred to the responses to Recommendations 304 (see Section 5.3 – Employment and Economic Status) and 298 (see Section 5.2 – Education) for information about the *Wurreker* partnership between TAFE and the Koorie community in Victoria and how this underpins the planning and delivery of training.

The **Office of Housing (DHS)** advised the Review that the AHBV is working under a Strategic Plan. This plan identifies specific employment and training objectives to:

- maximise economic return to Victorian Indigenous communities by stimulating business activity and creating employment through the property and tenancy services of the AHBV;
- to substantially increase employment and training opportunities for Aboriginals in the areas of:
 - Property maintenance and construction, property services;
 - Tenancy services – management and administration;
- to establish a training and mentoring structure at AHBV with a plan to eventually have all positions filled by trained and experienced Koories;
- improve the responsiveness and quality of maintenance and construction work carried out on AHBV properties; and
- to substantially increase employment and training opportunities for Koories through the creation and development of a traineeship program in partnership with the State government and other stakeholders.

The AHBV have had preliminary discussions with DE&T and CDEP. However, this action is related to remote and isolated communities, of which there are only two in Victoria. A funding source to implement objectives is yet to be determined. Preliminary discussions with DE&T indicate few programs are available for the AHBV to link to.

5.4.2 Community Responses

Community responses on the subject of housing were relatively few but very pointed. Not surprisingly, perhaps, the initial problem was seen as the difficulty in securing housing in the first place:

Housing ... opportunities in [Regional Victoria] are very slim (Regional Victoria).

You try and get mainstream housing – forget it. Even if workers go into the real estate agent's office with a Koori, all they see is the black skin. You can see the look on their faces and you know you got no hope of getting a house (Regional Victoria).

The number of Aboriginal people waiting for public housing grew from 681 in 1998-99 to 1025 in 2002-2003.

Aboriginal people access public housing at a higher rate than non-Aboriginal people.

The cultural factors alluded to by the Royal Commission also play their part:

We have a transient community ... We had an influx of the Redfern mob move in during the Olympics who haven't moved back. The increase in numbers is a drain on our resources. We are right on the border here and we all know that Koories don't see that invisible line between Victoria and New South Wales (Regional Victoria).

More than anything else however, and of direct relevance to the question of over-representation in custody were the housing problems confronting ex-prisoners:

I know we need transitional housing here ... We need to look at this urgently. We have two prisons close by [and] they always come here ... My poor grandson got out of [Regional] Prison and didn't come to me because of my health. There was no place for him to go so he went back to his friends ... He was picked up by the police when he was sleeping in a car and he was locked up for that. There was no housing available, and it didn't come in time to help him. There's nothing readily available when they come out of jail (Metropolitan Melbourne).

If we could put them on a waiting list for housing when they have six months left of their sentence to serve it would benefit them a lot. Currently you have to wait until you are out of jail before you can put your name down on a waiting list (Regional Victoria).

Over three in five (63 per cent) of Indigenous Victorians (aged 15 years and over) reported they were living in a rental dwelling compared to one in five (22 per cent) of non-Indigenous Victorians in 2002.

In 2001, 54 per cent of Indigenous occupied dwellings were rented dwellings, while 16 per cent were fully owned. For non-Indigenous persons, 22 per cent occupied rented dwellings, while 43 per cent were fully owned.

The salience of this issue when leaving custody was particularly underlined by some prisoners themselves:

As soon as we walk out that gate you get nothing. No help to get yourself right. No help with employment or housing or anything (Indigenous male prisoner).

Transitional housing is a big problem for those being released from prison (Metropolitan Melbourne).

You can imagine what that's like for those boys in jail having to wait. I know of one boy who was told he was on a 20-year waiting list for the area he wanted! (Regional Victoria).

There has been a 32 per cent increase in the number of Indigenous residents living in communal-type accommodation between 1991 and 2001. The communal-type accommodation that had the greatest increase in Indigenous residents were 'Prisons or Corrective institutions for adults' (166 per cent increase), 'Hotels/motels' (128 per cent increase) and 'Boarding schools' (71 per cent increase).

Higher percentages of Indigenous persons live in 'Hostels for the Homeless', 'Night Shelters and Refuges', 'Other Welfare institutions' and 'Prisons, Corrective and detention institutions for adults', compared to non-Indigenous persons in 2001.

5.4.3 Review Comments and Recommendations

Given the importance of housing and how it interrelates with the factors such as economic disadvantage and employment, the involvement of so many agencies makes for a complex picture within which the statistical measures and community comments would suggest the need for greater progress.

This group of Recommendations addresses a problem of deep cultural as well as immediate practical significance and as noted by Aboriginal lawyer Noel Pearson quoted in *The Australian* (Dalton and Maiden, 12 April, 2005: 2), *It's not going to be easy for us to reconcile an ancient culture of communal ownership with some of the imperatives of the modern living.*

Clearly, the issue of housing, particularly for ex-prisoners, is of concern to community organisations and prisoners and their families, while in statistical terms the Aboriginal population of Victoria fares badly on every measure relating to housing. Indigenous numbers on waiting lists for public housing are growing and there is substantial over-representation among those housed in such accommodation. The number and proportion of Indigenous clients receiving Supported Accommodation Assistance has risen from 4.3 per cent of Aboriginal persons in 1996-97 of all those receiving Supported Accommodation Assistance to 5.8 per cent in 2003. In terms of home ownership, numbers occupying rental property, rental and mortgage payments and types of non-private dwellings occupied, the differences between Indigenous and non-Indigenous people in Victoria remain stark.

The Review has noted the numerous initiatives reported by Government agencies in this area although the Recommendations remain only partially implemented. While five Recommendations are considered not relevant to Victoria and involve Commonwealth responsibilities, the Review disagrees with this classification as discussed below. Given the continuation of a less than satisfactory situation in relation to housing, the Review believes that this is yet another area where ongoing implementation and monitoring of the Royal Commission's Recommendations are vital.

The Review notes that in relation to the provision of housing for discrete and remote Aboriginal communities, and giving attention to cultural dimensions of housing and the adoption of appropriate consultative procedures (Recommendation 73), DHS, in conjunction with other departments, has embarked upon a pilot program and subsequent program development at Lake Tyers Indigenous community involving housing and a range of related issues.

The Review does not agree that work dedicated to appropriate technology (Recommendation 74) is not relevant to Victoria as research on the design of infrastructure for Koori communities should be encouraged and supported.

The Review notes the response from the DOI that Indigenous communities are accorded equitable treatment with regard to road funding and that full consultation occurs in relation to development (Recommendation 75). It notes, however, that no detail of the nature, methods and duration of the consultation process is provided.

In the light of the intent of Recommendation 76 the Review does not agree that examples of integrated analysis of infrastructure, housing, essential services and health (Recommendation 76) are not of relevance to Victoria. The example of the Lake Tyers community is a clear case in point.

The Review notes the strategies being adopted and the difficulties being encountered by the Office of Housing in relation to implementing Recommendation 321 on integrating management, administrative and support needs into future housing needs analysis.

The Review notes the criteria and processes utilised in identifying Indigenous housing need, including the development of multiple measures of need (Recommendation 322). It also notes, however, that the need to overcome fragmentation between State, Commonwealth, community and ATSIC approaches was the matter of discussion in 2002-03.

The Review notes the DHS response to Recommendation 323 on increased funding for community groups involved in homemaker schemes and adult education in this area, although no details were available on access, funding and usage by Indigenous persons.

The Review does not agree that models for integrating service delivery and administrative needs (Recommendation 324) are irrelevant to Victoria, given the intent of the Recommendation.

The Review notes the Memorandum of Understanding between the Office of Housing and the AHBV which reiterated the commitment towards the staged implementation of the Aboriginal Housing Board of Victoria's *Strategic Plan* (Recommendation 325). The Review also noted that the Office of Housing has provided assistance to the AHBV in implementing their *Strategic Plan* and the establishment of the Joint Planning Committee to address critical Indigenous housing issues.

The Review notes the steps taken by the AHBV under its *Strategic Plan* to increase employment and training opportunities for Indigenous people in a number of areas related to housing. It also notes the lack of adequate programs within DE&T to support these initiatives and the absence of appropriate funding.

Recommendation 327 referring to the training of Aboriginal people to build and maintain essential community infrastructure was deemed to be a Commonwealth responsibility. The Review believes that, while as worded this is technically correct, the issues in question

should be covered under the auspices of the *Wurreker* partnership between TAFE and the Indigenous community in Victoria.

Recommendation 9.

- That the Department of Infrastructure and the Department for Victorian Communities:
 - (a) ensure that appropriate levels of road funding are allocated to Lake Tyers and Framlingham Aboriginal Trusts; and
 - (b) provide a report the Secretaries Group for Aboriginal Affairs on (a).
- That the Victorian Government continue to implement and monitor Recommendation 75 (relating to consultation with the Indigenous community for road funding) through any monitoring process established as a consequence of this Review.

Recommendation 10.

- That the Department for Victorian Communities (Aboriginal Affairs Victoria):
 - (a) report on the extent of whole-of-government approaches regarding Recommendation 76 (relating to integrated analysis of infrastructure, housing, essential services and health); and
 - (b) report on an integrated analysis of infrastructure, housing, essential services and health to Lake Tyers and Framlingham Aboriginal Trust communities;
 - (c) provide a report to the Aboriginal Justice Forum on (a)-(b); and
- That the Victorian Government continue to implement and monitor Recommendation 76 (relating to integrated analysis of infrastructure, housing, essential services and health) through any monitoring process established as a consequence of this Review.

Recommendation 11.

- That the Department of Human Services (Office of Housing) in partnership with the Commonwealth Government and Indigenous Housing Groups:
 - (a) continue to support the collaborative planning approach for Indigenous housing in Victoria and, in particular, the strategies developed to this end in 2003;
 - (b) implement and monitor Recommendation 324 relating to integrating service delivery and administrative needs particularly in respect of Lake Tyers and Framlingham;
 - (c) closely scrutinise its service agreement with the Aboriginal Housing Board of Victoria to ensure that the provisions of Recommendation 325 (relating to the provision of assistance to Aboriginal housing organisations) are observed, and how any difficulties are or can be overcome;
 - (d) provide a report to the Victorian Indigenous Housing Joint Planning Committee on (a)-(c); and
- That the Victorian Government continue to implement and monitor Recommendation 324 (relating to integrating service and administrative needs) and Recommendation 325 (relating to the provision of assistance to Aboriginal housing organisations) through any monitoring process established as a consequence of this Review.

Recommendation 12.

- That Recommendation 326 (relating to Indigenous participation in housing and construction training programs and the funding thereof), be drawn to the attention of the Departments of Education and Training and Human Services (Office of Housing) for action and that a report be provided to the Victorian Indigenous Housing Joint Planning Committee.

Recommendation 13.

- That Recommendation 327, in relation to the training of Aboriginal people to build and maintain essential community infrastructure:
 - (a) be referred to the Department of Education and Training for consideration under the auspice of the *Wurreker* partnership; and
 - (b) provide a report to the Victorian Indigenous Housing Joint Planning Committee on (a); and
- That the Victorian Government continue to implement and monitor Recommendation 327 (relating to the training of Aboriginal people to build and maintain essential community infrastructure) through any monitoring process established as a consequence of this Review.

Recommendation 14.

- That the Department of Justice (Consumer Affairs Victoria) together with the Equal Opportunity Commission and the Aboriginal Housing Board of Victoria:
 - (a) undertake a review of alleged racism in the private rental market against Indigenous people;
 - (b) develop education and compliance measures to address any identified issues; and
 - (c) provide a report to the Aboriginal Justice Forum on (a)-(b).

Recommendation 15.

- That the Department of Justice (Corrections Victoria) and the Department of Human Services (Office of Housing):
 - (a) the availability of and arrangements on the establishment of half-way houses and accommodation units/facilities specifically provided for Indigenous post-release prisoners seeking short-term accommodation; and
 - (b) provide a report to the Aboriginal Justice Forum and the Victorian Indigenous Housing Joint Planning Committee on (a).

5.5 Families and Children

The Royal Commission was clear that the damage wrought upon the Indigenous family since European settlement had played a substantial role in producing the over-representation of Indigenous people in the justice system:

The history of disruption, intervention and institutionalisation to which Aboriginal and Torres Strait Island families and children have been subject has left many of those families confronting severe difficulties in securing the adequate care and control of their children; has seen juvenile crime develop into a major social problem; and has seen Aboriginal and Torres Strait Island juveniles grossly over represented at all levels of the child welfare and juvenile justice systems ... The experiences of those who have died in custody is testimony to the tragedy of that historical legacy (Royal Commission, 1991b, Vol. 2, 14.4.38).

Central to this history was the record of child removal and institutionalisation. Thus the Commission quotes one expert on the effects of institutionalisation:

It is certainly arguable that it constituted a major disruption to the transmission of culture and that it also removed responsibility from parents and placed it with an external agency, the mission or the State. In either case, it would appear to have at least reshaped the processes of social control in the same way that it reshaped the relationships between persons and between generations and genders (Royal Commission, 1991b, Vol. 2, 11.7.11).

And the Commission's own view was of a quite direct historical link to Aboriginal deaths in custody:

It is clear from the number of cases examined by the Royal Commission, in which child separation was a feature that the legacy of child removal has had a distinct role to play in institutionalisation and consequent juvenile offending. Many of these cases provide examples of a generation of loss in which Australia's welfare policies were particularly punitive (Royal Commission, 1991b, Vol. 2, 11.7.6).

Nor was the Commission in any doubt as to what was required in this connection:

The legacy of child separation is still a significant issue in the lives of many Aboriginal people. It is an issue that still needs investigation and there is still a 'lost generation' that needs support and reunion with their families. Hence, there is a need for more expanded services such as those provided by Link-Up which would deal with the emotional and psychological legacy of what are now recognised as misguided child placement policies. There is need for a process of reclamation by Aboriginal people of their own immediate history here (Royal Commission, 1991b, Vol. 2, 11.7.19).

And it goes on to quote Commissioner Dodson on how such processes of reclamation and reconnection can help:

Access to knowledge can assist: to reinstate pride in family experiences; enhance a stronger sense of identity; re-establish contacts with family members; reaffirm interaction within broad family networks; revive and maintain Aboriginal traditions...; understand the historical background of contemporary personal issues...; re-claim ownership of material pertaining to family life; develop resources ... and enhance research skills (Royal Commission, 1991b, Vol. 2, 11.7.19).

Underlying this sorry historical story, the Commission clearly saw, were preconceived European models of welfare:

The overall picture is one in which Aboriginal ways of operating as a family unit and child rearing practices for instance, the encouragement of self-direction and independent action) have been undermined by the assumptions of a European welfare model. The emerging situation for Aboriginal children in many communities is therefore an experience of loss of role, of place and of family in their community (Royal Commission, 1991b, Vol. 2, 11.7.4).

Turning to the future, the Royal Commission emphasised that the need was for much more Aboriginal involvement in framing and executing solutions at all levels. With regard to child placement, it approvingly cites the views of Commissioner Wyvill:

Commissioner Wyvill has stressed how structures of placing Aboriginal children in 'care' 'must receive adequate support so as not to become overstressed and that in the alternative the development of well resourced, Aboriginal administered and community based extended homes must be pursued' (Royal Commission, 1991b, Vol. 2, 11.8.7).

More generally the Commission believed that:

Special attention should be paid to proposals which emanate from the Aboriginal community, and in this respect it is up to the non-Aboriginal community to lend strong and sensitive support. The most successful programs make a point of accommodating the cultural needs of Aboriginal youth and involving the Aboriginal community in the process, for instance, the substitute care program in Western Australia mentioned later in this section. This program also exemplifies the value of coordinating the relevant government departments in order to maximise the use of government infrastructure (Royal Commission, 1991b, Vol. 4, 30.1.4).

In keeping with the above views, the Royal Commission formulated five significant Recommendations. First and foremost, these specific Recommendations address the importance of assisting Indigenous people who desire to do so, to be supported in re-establishing their community and family links to those from whom they were separated as a result of past government policies. These Recommendations also include provision for the funding of support organisations, and access to government records about family and community histories of Indigenous people. Other Recommendations address adoption and foster care and the importance of legislative recognition of the Aboriginal Child Placement Principle, and the essential role of Aboriginal Child Care Agencies.

More generally, there are Recommendations recognising that involvement, through legislative enactment, of Aboriginal families, community groups, and Aboriginal organisations

in the policies of government and the practices of agencies, have the greatest prospect of success.

The relevant Recommendations and the self-assessed implementation status reports from Victorian Government departments are set out below in full. It should be noted that for a number of Recommendations, implementation is primarily a Commonwealth responsibility. However, where the Victorian Government has taken action that contributes to the implementation it is reported here against those Recommendations. They constitute the basis upon which the implementation status was determined. This material represents the reports on progress in addressing the Recommendations and is made available to the community through this Review. Community responses and the Review comments and recommendations follow.

5.5.1 Royal Commission Recommendations and Implementation Status

	Recommendation	Implementation status 2003
52	That funding should be made available to organisations such as Link-Up which have the support of Aboriginal people for the purpose of re-establishing links to family and community which had been severed or attenuated by past government policies. Where this service is being provided to Aboriginal people by organisations or bodies which, not being primarily established to pursue this purpose, provide the service in conjunction with other functions which they perform, the role of such organisations in assisting Aboriginal people to re-establish their links to family and community should be recognised and funded, where appropriate.	Fully implemented (PROV-DVC)
53	That Commonwealth, State and Territory Governments provide access to all government archival records pertaining to the family and community histories of Aboriginal people so as to assist the process of enabling Aboriginal people to re-establish community and family links with those people from whom they were separated as a result of past policies of government. The Commission recognises that questions of the rights to privacy and questions of confidentiality may arise and recommends that the principles and processes for access to such records should be negotiated between government and appropriate Aboriginal organisations, but such negotiations should proceed on the basis that as a general principle access to such documents should be permitted.	Fully implemented (PROV-DVC)
54	That in States or Territories which have not already so provided there should be legislative recognition of: (a) The Aboriginal Child Placement Principle; and (b) The essential role of Aboriginal Child Care Agencies.	Partially implemented (Community Care Division-DHS)
235	That policies of government and the practices of agencies which have involvement with Aboriginal juveniles in the welfare and criminal justice systems should recognise and be committed to ensuring, through legislative enactment, that the primary sources of advice about the interests and welfare of Aboriginal juveniles should be the families and community groups of the juveniles and specialist Aboriginal organisations, including Aboriginal Child Care Agencies.	Partially implemented (Community Care Division-DHS)
236	That in the process of negotiating with Aboriginal communities and organisations in the devising of Aboriginal youth programs governments should recognise that local community based and devised strategies have the greatest prospect of success and this recognition should be reflected in funding.	Fully implemented (Community Care Division-DHS) Partially implemented (Sport and Recreation Victoria-DVC) Partially implemented (Office for Youth-DVC)

Government Responses on Implementation

Recommendation 52: Re-establishing links with community and family

The **Public Record Office Victoria (PROV) (DVC)** advised the Review that it is a funding partner in the Koorie Family History Service (KFHS) and Recorded Testimonies Project at the Koorie Heritage Trust. The aim of the KFHS is to help individuals and communities trace their families, rebuild family connections and reconnect Stolen Generations of Victoria with their history heritage and culture. The Service provides advice and support through helping people access records and individual case files, recording Koorie family trees and recording the stories of the Stolen Generations, their families and those involved in their removal. The aim of the Recorded Testimonies Project is to provide a true history of the practices and effects of the policies that allowed for the taking away of Koorie children in Victoria. The other main funding provider for the Service is the Victorian Government through AAV. Both projects were launched in November 2001. The KFHS and the Recorded Testimonies Project provide an outreach service to Koori prisoners in jails and juvenile detention centres.

Since beginning in November 2001, the KFHS has over 200 clients and conduct regular outreach visits to correctional facilities across the State. The KFHS has produced a self-help search pack for clients to assist them to do their own family history research.

The **PROV (DVC)** advised the Review that the KFHS is also working to overcome obstacles associated with access to funding, resources and personal records. Ongoing work needs to be performed to ensure programs for Stolen Generation members, as outlined in the *VAJA*, are implemented consistently throughout prisons and correctional facilities. The consistent delivery of programs and adequacy of current levels of support and resources for Indigenous staff in prisons and correctional institutions needs to be monitored.

The Koorie Family History Service suggests monitoring of numbers of Indigenous staff members and staff support mechanisms within the prison system to ensure appropriate levels are maintained. There should be greater levels of consistency in application and follow-up of programs offered to Indigenous inmates in the prison system.

The Koorie Family History Service recommends greater levels of cultural support in the prison system for Indigenous staff and inmates. It also recommends that additional resources be made available to the Victorian Koorie Records Taskforce to ensure improvements in provision of culturally appropriate access to records in Victoria and inter-state.

Recommendation 53: Access to family and community history records

The **PROV (DVC)** advised the Review that in partnership with AAV and the Koorie Heritage Trust, it administers the Victorian Koorie Records Taskforce, the Victorian Government's response to Recommendation 23 of the *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families – Bringing them Home*. The Taskforce is also a response to Recommendation 53 of the Commission. Launched in February 2001, the Taskforce has conducted a series of extensive Koorie community consultations and is using feedback from these consultations to implement its Terms of Reference as set out in the *Bringing them Home* Report. The Terms of Reference are to:

- Develop common access guidelines to Indigenous personal, family and community records as appropriate to the jurisdiction and in accordance with established privacy principles;
- Advise government whether any church or other non-government record-holding agency should be assisted to preserve and index its records and administer access;

- Advise government on memoranda of understanding for dealing with inter-state inquiries and for inter-state transfer of files and information;
- Advise government and churches generally on policy relating to access to and uses of Indigenous personal, family and community information;
- Advise government on the need to introduce or amend legislation to put these policies and practices into place.

In the period 2001-02, the Taskforce conducted twelve community forums with regional and metropolitan Koorie communities in Victoria. The outcomes are reported in the Taskforce's Summary Report released on *Sorry Day*, May 2002. The release of this report and the participation of AAV in the consultation resulted in the Government allocating \$2.1 million over three years to the development of a dedicated Stolen Generations organisation. This organisation will be community based and is due to be established in 2003. The Taskforce will be working towards implementing its Terms of Reference in 2003 through a guide to records and the development of Memorandum of Understanding between record holding agencies Victoria and inter-state and the Koorie community.

In the area of developing culturally appropriate access to records for Koorie people in Victoria, extensive community consultation is integral. The Victorian Koorie Records Taskforce through its Koorie membership and networks provides a forum for this consultation. Meaningful consultation with the Victorian Koorie community in regional, rural and metropolitan areas is essential to providing the community with a sense of ownership of processes that affect them.

In partnership with AAV, PROV is producing *Finding Your Story: A Resource Manual to the Records of Stolen Generations in Victoria*. *Finding Your Story* will provide a comprehensive and cohesive resource to government and non-government archival and record collections in Victorian relevant to the Stolen Generations and their families. Many Koorie people in custody were removed from their families as children. *Finding Your Story* will be useful and practical by being written and presented in a clear, concise and culturally appropriate manner achieved by extensive input from Koorie stakeholders. As well as availability in printed form, *Finding Your Story* will be made available on the PROV website. *Finding Your Story* will be launched in June 2005.

The Victorian Koorie Records Taskforce will be providing the Victorian Government with a report on the existing situation of access to records by Koories in Victoria and to make recommendations for the development and implementation of programs and projects that address relevant recommendations from Chapter 16 of the *Bringing them Home* Report. The Report and its recommendations will form an integral part of the success of a new Stolen Generations Organisation to be established in 2004 with \$2.1 million funding from the Victorian Government. The Report's recommendations would work in tandem with the recommendations of the Victorian Koorie Records Taskforce to provide a comprehensive response to the issues of Indigenous access to records raised in the *Bringing them Home* Report.

Recommendation 54: Legislative recognition of the child placement principle and the role of childcare agencies

Community Care Division (DHS) advised the Review that the Aboriginal Child Placement Principle (ACPP) has not been explicitly recognised within statute in Victoria. However, the principles underlying the ACPP are reflected within both the *Children and Young Persons Act 1989 (CYPA)* and the *Adoption Act 1984*. Provisions within both Acts pre-date the Royal Commission Recommendations and remain effectively unchanged to the present time. The

ACPP is reflected in Sections 119 (1)(m) and (2) *CYPA* and Section 50 of the *Adoption Act 1984* in that those sections reflect the criteria in the ACPP dictating the preferential hierarchy of carers, based on possibility of occurrence, that must be explored when Aboriginal children are placed outside their family. Both the *CYPA* and *Adoption Act* partially reflect this hierarchy in relation to requirements on Child Protection in selecting proposed carers and the Court in approving proposed adoptive parents respectively.

The *Adoption Act's* compliance with the rest of ACPP may be distinguished on the basis that the ACPP envisages removal of Aboriginal children from parents by welfare authorities, rather than relinquishment of parental rights. However, the *CYPA* compliance with the ACPP diverges significantly in other respects. The Act does not explicitly require that removal of Aboriginal children must be a last resort, but does place an onus in general on Child Protection, and the Court, in exercising its discretion when considering Orders that have the effect of removing children from their families, to ensure all steps are taken to prevent removal, and to treat re-unification as a primary objective (subject to the paramount consideration of the welfare and interests of the child). Under the *CYPA*, Courts are not explicitly required to comply with the ACPP, or to consult with an Aboriginal Agency.

However, there are general provisions that reflect elements of the ACPP. In any proceeding Courts must, as far as practicable, respect the cultural identity and needs of the child, the child's parents, and other members of the child's family. Where Child Protection is considering removal of an Aboriginal child, the *CYPA* does not strictly follow the ACPP. The *CYPA* does not require that community controlled Aboriginal welfare organisations are consulted, rather it requires that members of the child's Aboriginal community are consulted in all decision-making; courts or authorities (Child Protection) must have regard to directions from Aboriginal (Child Care) Agencies; and the child must be placed within the extended family or with relatives prior to consideration of the hierarchy of carers.

Child Protection procedure and practice, the training and supervision of Child Protection staff, and a number of Community Care funded programs have developed around the provisions of the *CYPA* that ensure that the underlying expectations of the ACPP are incorporated in practice and achieved (see Recommendation 62). A number of services and programs have been developed which have supported this statutory enactment since the final report and since the last reporting period in 1996-97.

However, the statutory reflection of the ACPP in Victoria precedes the Commission's *National Report*. As discussed above, the *CYPA* and the *Adoption Act*, the latter of lesser relevance, reflect rather than explicitly recognise the ACPP. Given the plethora of services, programs and practice that have developed around the current provisions of the *CYPA* which actively promote compliance with the intent of the ACPP, it is questionable whether specific legislative change to recognise the ACPP is warranted. Another difficulty in implementation of the ACPP is the difficulty measuring compliance. It is arguable that the ACPP defines a process of decision-making as well as different distinct placement outcomes, thereby creating an ambiguity in measuring compliance.

The role of Aboriginal (Child Care) Agencies is recognised under both the *Children and Young Persons Act 1989 (CYPA)* and the *Adoption Act 1984*. Section 50 of the *Adoption Act 1984* and Section 6 of the *CYPA* provide for recognition of, and gazettal of, an Aboriginal Agency. All relevant sections of the respective statutes pre-date the Royal Commission recommendations and remain effectively unchanged to the present time.

Under the *Adoption Act* an Aboriginal Agency is given the following powers in certain defined circumstances: to provide counselling to an Aboriginal parent who is consenting to adoption of their child; and to approve of the adoptive parents as suitable to adopt an

Aboriginal child in order that the Court may make an Order for Adoption under Section 50, or vary or revoke the condition of consent (provided by the parent(s) under S 37.

Under the *CYPA* an Aboriginal Agency is granted the following specific powers to:

- provide a report to the Court approving the recommendation of permanent carers in relation to an Aboriginal child in order that the Court may make a Permanent Care Order (S 112), and
- the power to approve, in conjunction with Child Protection, persons to be involved in arrangements concerning the child, and his or her care, supervision, custody or guardianship, or access to the child. This power, S 119(2), is limited to situations where Child Protection is unable to find a reasonably available member of the child's Aboriginal community or member of an Aboriginal community involved with the child.

The Victorian Aboriginal Child Care Agency (VACCA) is the only Aboriginal Agency in Victoria that has been gazetted under S 50 of the *Adoption Act 1984* and S 6 of the *CYPA*. VACCA was gazetted specifically to perform obligations under the *Adoption Act* and under S 112 *CYPA* in relation to permanent care. DHS provides funding to VACCA to perform the obligations of an Aboriginal Agency, on a state-wide basis, in relation to Adoption and Permanent Care under the respective Acts. It should be noted that between 1995-2002 there were only two Aboriginal children in Victoria who were adopted and that in general adoption has become increasingly irrelevant in Victoria with only fifteen children across the State adopted within the last twelve months.

However, once again, the statutory reflection of the significance of Aboriginal agencies in Victoria precedes the Commission's *National Report*. It is arguable that the scope of the role of Aboriginal agencies under the *CYPA* could be increased. Issues regarding the appropriateness of conferring additional powers on Aboriginal agencies under the Act are perhaps more appropriately resolved within the Aboriginal community given that only one Aboriginal agency, VACCA, a state-wide service agency, is currently gazetted under the Act, and issues of local self-determination arise. Aboriginal community organisations have a multi-faceted role within their communities. The trend in the development of the service system has seen increased responsibility taken by local Aboriginal community organisations in direct service provision for their respective local Community.

In terms of implementation measures designed to support the statutory recognised roles of Aboriginal Agencies, the relevant program is the Adoption and Permanent Care Program managed by VACCA. The difficulty associated with implementation of this program is that insufficient resources have been dedicated to the program and VACCA have been unable to meet demand. (Additional resources were dedicated in 2001-02, but only to deal with the backlog of client assessments). As a consequence, there are instances in which children have been in care such a long time before their placements are assessed, VACCA is unable to recommend more culturally appropriate permanent carers. Members of the Victorian Aboriginal communities have raised questions regarding the cultural appropriateness of permanent care and adoption as care options within the Aboriginal communities of Victoria.

The *Children and Young Persons Act 1989* is currently undergoing a review process. Whilst the current legislation does not include the Aboriginal Child Placement Principle (provided), it is anticipated, after general consultation, that the review will recommend that the Aboriginal Child Placement Principle will be incorporated within the new Act.

A number of initiatives have been developed that are not in response to the Royal Commission Recommendation but are entirely consistent with the Recommendation as they

are targeted at reducing out-of-home placement of Aboriginal children involved with Child Protection and separation from family and community. There are no specific programs targeted at youth with the purpose of reducing the rate at which Aboriginal juveniles enter the care system.

However, there are a number of general programs that are designed to reduce the rate of involvement of Aboriginal children/youth within the care system and separation from family and community. There are two initiatives, the state-wide Aboriginal Child Specialist Advice and Support Service (ACSASS), and Aboriginal Family Decision Making Pilot in Shepparton (AFDM), which seek to improve decision-making in relation to Aboriginal children/youth involved with Child Protection. The underlying premise is that, by improving decision-making and engagement with Aboriginal families and community, children/youth will be removed less frequently, and if they are removed, care arrangements will be more culturally appropriate and culturally supported, that is, children will remain connected to their family and community.

There are a number of initiatives designed to prevent progression of Aboriginal children/youth through the Child Protection system, thus reducing the rates of placement in the care system:

- Five Aboriginal Family Preservation Programs (AFPP) are funded to work intensively over a short period with Aboriginal families to prevent placement or facilitate reunification;
- Supporting Vulnerable Families Indigenous Innovations Project (IIP) – In 2002-2003 two Aboriginal innovation pilot projects were to be established in Shepparton and East Gippsland to address the over- representation and re-notification of Indigenous children by developing fresh proactive approaches to supporting Indigenous families that are flexible, of varying intensity, targeted and culturally relevant.

There are also programs that seek to retain the connection of Aboriginal children/youth to their family and community when placement in the care system becomes inevitable, including; Aboriginal Case Management Positions (ACMP). Funding to support Aboriginal children placed in out of home care has been allocated in some Aboriginal cooperatives. The role of these positions is currently being reviewed due to the varying allocations and roles currently being undertaken across the State. In recognition of the importance of compliance with the Aboriginal Child Placement Principle, DHS funds five Aboriginal Agencies across the State to provide out-of-home-care services to Aboriginal children placed away from home.

In support of these programs, practice instructions have been issued to Child Protection workers and the following specific initiatives have been implemented in order to increase the recognition in the field of the importance of maintaining the connection of Aboriginal children to their family, community and culture.

- Aboriginal Child Placement Principle Guide – A guide has been developed to assist Child Protection and Out-of-home Care workers understand the importance of the Aboriginal Child Placement principle and incorporate it within practice;
- Indigenous Module – Beginning Practice Induction Training package – A specific Indigenous cultural awareness module has been included within the induction training package for Child Protection workers to improve the cultural sensitivity and awareness of Indigenous Issues within the field.

A range of implementation difficulties exist that are associated with initiatives that are aimed at reducing care placements and separation from family and community. At a general level there are difficulties associated with the capacity of Aboriginal community organisations to deliver programs. This relates to infrastructure and resourcing, limited funding, how the funding is provided (given scale issues) and the skills that exist within the organisations and that are available in the wider Aboriginal community as a resource for the Aboriginal organisations. It has been identified that the overall performance of preventative programs is constrained by the absence of early intervention services and post-intensive support services. Kinship care has been identified as being inadequately supported but it is a more culturally appropriate form of care that is beneficial and desirable to Aboriginal communities. Similarly, a significant service gap has been identified whereby a large number of Aboriginal children/young people in care, approximately one third, are placed with mainstream service providers where planning around cultural continuity is not adequately addressed at present. There are also difficulties associated with the ongoing monitoring and reporting of care placements.

DHS has released *Protecting Children: The Child Protection Project (2003)*, which failed to address the issues associated with the protection of Aboriginal and Torres Strait Islander children. DHS provided a copy of this report to the Review. The Secretariat of National Aboriginal and Islander Child Care (SNAICC) has been funded to conduct a literature review of current practices from local, national and international perspectives to provide input into the legislation review.

DHS advised the Review that this Recommendation is more relevant today than it was in 1996-97. Studies have revealed a trend whereby the characteristics of parents of children involved with Child Protection have become increasingly complex. There is an increase in the numbers of parents with multiple presenting characteristics and a high proportion of parents are presenting with substance abuse, alcohol abuse and family violence issues. The increased complexity of clients increases the probability of progression through Child Protection into the Out-of-Home Care system.

Community Care Division (DHS) further advised the Review that

- ACSASS service is now implemented statewide and continues from the point of notification throughout the involvement of Child Protection with an Aboriginal child.
- Aboriginal Family Decision Making Program in Shepparton is now funded recurrently and expanded to include all of Hume Region. Further funding has been allocated to enable additional AFDM programs to be established statewide. Funding in 2004-05 of \$800k rising to \$1.9m by 2007-08. Programs are being implemented in North and West Region and Loddon Mallee Region.
- Six additional Indigenous Family Support Innovations Projects are being implemented in Darebin, LaTrobe, Campaspe, Casey, Greater Geelong and Mildura LGA.
- Connecting to Community is an initiative to work with Aboriginal Out-of-Home-Care services and mainstream services to increase the number of placements being provided by Aboriginal agencies for Aboriginal children and to ensure where Aboriginal children are placed in non-Aboriginal placements that they remain actively connected to their Aboriginal family and community.
- In August 2004, the DHS released a technical options paper: *Protecting Children: ten priorities for children's wellbeing and safety in Victoria*. In this report, *Key Component Three* is dedicated to the needs of Aboriginal children and includes a recommendation that the Aboriginal Child Placement Principle is included in the new legislation.

Recommendation 235: Legislative enactment of Aboriginal sources of advice

Community Care Division (DHS) advised the Review that a Program Adviser is employed within the Juvenile Justice Section to work exclusively on issues pertaining to program development in regard to young Aboriginal offenders. Further, the Juvenile Justice Section utilises the expertise of agencies such as VACSAL and VALS, as well as local community services and representatives to assist in appropriate program development at both a policy and operational level of service development.

However, the small numbers of juveniles involved with the Juvenile Justice program create a difficulty in formulating a specific service response for young Aboriginal people. Unlike the welfare jurisdiction, there are no key state-wide agencies such as VACCA (although VACSAL have some experience) which have developed the specific expertise within the juvenile justice area. Rather a range of programs and service responses have been developed based on the concept of Aboriginal self-management within a few Aboriginal community organisations, and informal structures dispersed across the State. It is noted that legislative enactment of the principle that the primary sources of advice where Aboriginal young people are involved with the criminal justice system should be the young persons' family and community has not occurred. While the Juvenile Justice Program implements the intent and spirit of the Recommendation it is arguable as to whether proceeding to explicit legislative enactment requiring that the young person's family and/or community be consulted would, necessarily, provide for better consultation than currently exists.

The primary mechanism for seeking family and community input under the *CYPA* is in the provision of reports to the Children's Court in the Criminal jurisdiction. The Act requires that a pre-sentence report provide information on the family circumstances, education, employment history, recreation, leisure activities and medical and health matters relating to the child. It is Juvenile Justice policy and practice to seek family and community input when preparing reports for the Court. This is set out in the Juvenile Justice Case Practice Standards Manual.

Legislation has been passed for the establishment of a Children's Koori Court (Criminal Division) which provides a legislated process for the involvement of family and community members in hearing matters before the Children's Koori Court.

The Juvenile Justice system pilot Group Conferencing program provides a restorative justice approach and pre-sentence diversionary option for young people, their family, community and victims. Group Conferencing, as a pre-sentence diversion program, operates in the Criminal Division of the Children's Courts in Metropolitan Melbourne and in courts in the Hume and Gippsland Regions. Hume and Gippsland were selected based on the overrepresentation of Aboriginal young people in these regions. Discussions are underway for consideration of the inclusion of Group Conferencing in legislation.

While no special recognition is afforded to juveniles, the *CYPA 1989* does make specific provision that the primary source of advice in relation to case planning decision-making in relation to children/young people involved with Child Protection should be, in general, from families. Specific requirements are established with Aboriginal children whereby the Secretary of DHS should:

- Involve members of the child's Aboriginal community in decision-making;
- Involve in arrangements concerning the child and his or her care, supervision, custody or guardianship or access to the child, a preferential hierarchy of persons, based on reasonable availability, starting with a member of the child's Aboriginal community,

then a member of an Aboriginal community followed by a person approved by an Aboriginal Agency.

In recognition of the importance of Aboriginal involvement in decision-making in relation to Aboriginal children involved with Child Protection, in 2002 a new protocol was negotiated and signed off between the Child Protection Service and the VACCA. The primary purpose of the DHS – VACCA protocol is to improve decision-making by establishing mechanisms that ensure that, when Child Protection is involved with an Aboriginal child, they are fully informed of all cultural needs and issues, including knowledge of extended family. These mechanisms include mandatory consultation with the ACSASS to ensure a culturally sensitive and effective joint response to Aboriginal families whose children have been notified to Child Protection. Currently consideration is being given to including the protocol between VACCA and DHS Child Protection in the new legislation.

In 2003-04 funding was allocated, for the first time, to a recurrent service, the ACSASS, to implement the protocol. The majority of the State will receive a service from ACSASS in 2002-03, with the rest of the State commencing a service in 2003-04. As part of this implementation, Child Protection is obligated to consult ACSASS in relation to all significant decisions about children/young people involved with Child Protection. This includes decisions in relation to removal of children from their families and placement of the child. ACSASS will also seek to identify to Child Protection members of the Child's community to involve in decision-making and care arrangements of the child, including placements pursuant to the ACPP.

The essential object of the Aboriginal Family Decision Making pilot in Shepparton is improving decision-making and engagement of Aboriginal families in relation to Aboriginal children involved with Child Protection. The Family Group Conferencing process at the core of the pilot actively involves and engages in a culturally appropriate way the child's family and community members in decision-making around protective concerns and the development of a safety plan. The pilot has been evaluated and a copy of the report provided to the Review.

Child Protection (DHS) advised the Review that:

- The Aboriginal Child Specialist Advice and Support Service is now funded to enable services to Aboriginal children from the point of notification throughout the involvement of Child Protection until the case is closed.
- Aboriginal Family Decision Making is no longer a pilot program and funding has been allocated over the next few years to implement further programs across the state.

Recommendation 236: Local community based and devised strategies for youth

Community Care Division (DHS) advised the Review that the Community Care Division in general has shown a commitment to the philosophy of self-management. The Division, as far as is possible, funds and supports Aboriginal Community Organisations as the most appropriate service provider to the local Aboriginal community. The Division also actively seeks input from the Aboriginal community into the design and development of new programs and services to be delivered to Aboriginal communities. However, while a range of welfare programs and services premised on Child Protection involvement or preventative programs are specifically targeted at Koori children/young people, apart from the Juvenile Justice Section there are no specific programs developed that target Aboriginal adolescents.

While the Division supports the philosophy of the Recommendation, there are recurring difficulties across the Division that affects its implementation. The primary difficulty is the resources and infrastructure that Aboriginal community organisations have at their disposal to develop local community based and devised strategies. There is a recognised need for the Government to engage in capacity building exercises with Aboriginal community organisations in order that they can make the transition beyond service delivery alone and into service and policy development. This is reflected as a specific component of the *Aboriginal Services Plan*. This represents a shift beyond Government policy reported in 1996-97 that stated that any programs which impact on Aboriginal people should be developed through negotiation with, and delivered by, local community organisations.

The Juvenile Justice Section developed the Koori Juvenile Justice Program, and its subsequent review, in consultation with both state-wide and local Aboriginal communities. Local initiatives developed by community based Juvenile Justice programs occur in close consultation with the Aboriginal young people and their communities. See Recommendation 62 (Section 6.5 – Juvenile Justice) for more specific details.

A particular difficulty associated with implementation of their Recommendation is that there is no lead agency with expertise in dealing with Aboriginal young people. While VACSAL has some experience in dealing with juveniles and VACCA has a developing expertise with the Aboriginal Child Specialist Advice and Support Service which provides advice to Child Protection on all significant decisions in relation to Aboriginal children/young people notified to child protection and enables a joint response to those families.

Sport and Recreation Victoria (SRV) (DVC) advised the Review that the ATSIC developed and implemented four new youth-specific programs in response to this Recommendation. One of these was the Young Person's Sport and Recreation Development Program, for which funding of \$8.36m was provided over an initial five years to State Governments to allow the employment of 38 Development Officers charged with developing and promoting sport and recreation programs for young people. This initiative is now known as the Indigenous Community Sport Development Program, a component part of the Australian Sports Commission's (ASC) broader Indigenous Sport Program (ISP).

The current agreement between the ASC and DVC for delivery of the Indigenous Community Sport Development Program, due to expire in June 2005, provides around \$122,000 per annum to support the employment of two Indigenous Sport Development Officers (ISDOs) in Victoria one for each of the two ATSIC regions, Tumbukka and Binjirru.

Current activities of the ISDOs include the delivery of presentations, the running and supporting of community sport events, networking, building relationships, facilitating linkages and communication between Indigenous communities and sport and recreation providers, and disseminating information about successful interventions, available funding opportunities and accreditation opportunities.

Presentations include the delivery of a Cross-Cultural Awareness Package to the sport and recreation industry at a State level, as well as regionally and locally. ISDOs are also involved in the delivery of professional development sessions to groups, such as Koori Educators from the DE&T, regarding delivery of a Traditional Indigenous Games Package. Groups in receipt of this development are then well positioned to provide delivery to children and other community groups.

ISDO activity related to community sport events ranges from supporting State Sporting Associations, particularly those involved in the Australian Sports Commission's National Indigenous Sport Development Program, to supporting Indigenous communities to develop

their own opportunities. The ISDOs also run Traditional Indigenous Games events at schools and community festivals.

Office for Youth (DVC) advised the Review that *Respect: The Government's Vision for Young People* outlines the strategic directions shaping the Victorian State Government's policies and programs for young people. *Respect* acknowledges that the Government must work in partnership with Indigenous communities in order to address disadvantage experienced by any Indigenous young people.

Respect outlines the Government's commitment to encourage the development of programs that support Indigenous young people and their communities in achieving self-determination.

The Government has prioritised the development of initiatives to encourage input from Indigenous young people on issues that affect them and improve their leadership skills. To this end, the Office for Youth has worked in partnership with Aboriginal Affairs Victoria to support the Victorian Indigenous Youth Advisory Council (VIYAC). The role of VIYAC is to:

- Develop regional and local support (eg mentoring, role models);
- Advocate for Koori young people;
- Promote VIYAC throughout Victoria;
- Develop partnerships between the Victorian Government and community organisations; and
- Assist in the development and implementation of policies and strategies impacting on Indigenous young people (for example, family violence, social and emotional well-being and alcohol and drug misuse issues).

The Office for Youth funds the Mungabareena Aboriginal Co-operative to establish links between the local Aboriginal communities and mainstream youth services that are currently in the local community. Mungabareena has a commitment to improve the development and self-determination of local Aboriginal people and their youth.

The Office for Youth has also been doing some work to help FReeZA providers engage with Indigenous young people. The Office has had discussions with, and provided assistance and support to, other parts of Government to facilitate the involvement of young Indigenous people in FReeZA Committees.

5.5.2 Community Responses

The question of child removal and placement and how this is done, still rankles both as a matter of historical legacy and as a contemporary welfare issue. It was a key issue in the Royal Commission's Recommendations, and appears constantly as a major concern in the RAJAC Plans, and also dominated community comment.

Almost half (46 per cent) of Indigenous people (aged 15 years and older) in Victoria reported in 2002 that they or a relative had been removed from their natural family. Of those aged 35 years and over, 16 per cent said they themselves had been removed.

One particularly poignant observation summed up the lingering pain from the shame of the Stolen Generations affair:

We are still going through the healing process. When I was younger I used to get drunk all the time. It was the only way I found to be able to deal with the pain of having been separated (Regional Victoria).

As noted by the chairperson of the Victorian Stolen Generations Taskforce (2003: 6):

It is not possible to be part of the Koorie community without knowing first-hand the devastating effect of the removal of children and the breakdown of the traditional family unit. Removing a child from the family affects not only the child, but also the parents, brothers and sisters, grandparents, the whole extended family, as well as the new family of the child who has been removed where there is a new family, as opposed to institutional care.

To attempt to put the original family back together again after a length of time and a different upbringing is difficult for all concerned and extensive support is needed. Sometimes, it may not be possible to reconnect with family.

People who have been removed from their families are in the middle of two very different worlds – the wider community and the Indigenous community; and yet they belong to both worlds. So far, there has not been any single identified place for them to go for help throughout their difficult journey home. To create such a place, and to provide a bridge for them to travel across their two worlds, is a challenging task.

According to those consulted in the course of the Review, the issue of child removal was by no means just a question of pain carried over from the past. As the following extracts demonstrate, it is still very much perceived as a live issue for the interaction between Aboriginal people and welfare agencies:

We have some kids in this region who live with their grandparents because their parents are in custody. If you ask DHS for assistance with counselling for these kids then we're told that they will take the kids away from the grandparents. What's the point in doing that? (Regional Victoria).

We find that our biggest battle is with the Department of Human Services when we try and get our kids back (Regional Victoria).

With child protection for the [DHS] [location withheld] we find that most of our kids are taken and given to white people. If that's going to happen then you need to make sure that the foster parents have cultural awareness training and that the kids maintain their links with their real parents and family (Metropolitan Melbourne).

Aboriginal children are placed in out-of-home care at a significantly higher rate than non-Aboriginal children. This number has remained high, compared to non-Aboriginal children between 1999 and 2002-03.

At June 2003, 41 per cent of Aboriginal children in out-of-home care in Victoria were not placed in accordance with the Aboriginal Child Placement Principle.

Indigenous children made up 12 per cent of the total number of children in out-of-home care in Victoria at June 2003.

The length of stay for Aboriginal children in out-of-home care is reported to be four times longer than for non-Aboriginal children.

Not that re-establishing and maintaining such links is necessarily itself devoid of pain:

I was adopted into a white family and they gave me everything ... They tried their best for me and I let them down badly. My adopted mother wanted me to go and find out who my real mother was but I didn't want anything to do with that. I'm too angry at her for giving me away ... Anyway I went to VACCA to LINK-UP but not because I wanted to find out but because I wanted to make my adopted mother happy ... I didn't go through with (it) in the end. I just didn't want to know what her reasons were for doing that to me (Indigenous male prisoner).

Apart from the issue of child removal itself (and the associated complaints about particular instances of agency behaviour), the principal matter of concern voiced in the consultations with regard to the issues covered by these Recommendations was the difficulty of achieving the appropriate degree of Aboriginal input to relevant processes. Thus, for example, it took concerted effort involving VALS and the prison Aboriginal Well-being Officer (AWO) to prevent a newborn child being removed from her Aboriginal mother in prison.

There are also complications when living on the border between Victorian DHS regions:

We have problems with DHS here because we sit on the border between two regions. When our kids get into trouble and DHS are involved they have to tap into workers at [Regional town] (Regional Victoria).

Two regional Aboriginal Co-operatives recounted a protracted struggle in a similar context:

The [Regional Aboriginal Co-operative] has been fighting for years to be gazetted to have a say about the placement of our kids. DHS only want to work with [organisation withheld] and not any other Koori organisations (Regional Victoria).

In [DHS Region] we have a much higher rate of child protection matters than any other region. We have had ten children removed from this region in the last two weeks (Regional Victoria).

Another Aboriginal worker told of the outcome of her struggle for involvement:

I've been trying to talk to Child Protection [DHS] about notifications. They ring me now and I am able to meet up and arrange services for those kids. It's got to be localised and the community have control, otherwise it's no use (Regional Victoria).

Indigenous children are over-represented in the child protection system, although the nature of the abuse is reported to be similar to non-Indigenous children.

According to a Koori health worker, however, child protection workers can come between mothers and children:

... one Koori girl there has a partner in a Drug and Alcohol facility and a child in protection who is being cared for by her partner's mother. However, when the child is brought for a visit with the birth mother, Child Protection Services will not allow the father to join in the visit. This is causing distress and frustration to all parties; the parents who are both young and trying hard to get 'clean', and to the drug and alcohol facility who are caught in the middle and dare not break the rules in case Child Protection Services deny the child access to either parent. The Department is perceived to be 'playing games'. Conditions of access are often breached because common sense is not used (Metropolitan Melbourne).

Another example comes out of [Regional town] where a client has two children currently in the care of the spouse. However, despite the stated concern of sexual abuse by that spouse, Child Protection Services refuse to remove the children from his care (Regional Victoria).

Where is the common sense? The Department is 'playing games'. In neither case is [organisation withheld] acting in the interest of the child (Metropolitan Melbourne).

The rate at which children are reported to be in need of protection is significantly higher for Indigenous children than for non-Indigenous children. Aboriginal children had a rate of child abuse/neglect substantiations of 58 per 1,000 children, compared with a non-Indigenous substantiation rate of 6.1 per 1,000 children in 2000-01.

When I had problems with DHS I didn't get any support from [organisation withheld] at all. They never even helped me with my grandchildren when I needed their help. They never even bothered to come to my place to see if everything was alright. I had a fall out with my grandchildren's mother and she tried to stop me having them. They're old enough now so they come on their own to visit me. I think that [organisation withheld] job is too big. I want to localise it for our region so we have better access and support. I've been trying to talk to Child Protection [DHS] about notifications. They ring me now and I am able to meet up and arrange services for those kids. It's got to be localised and the community have control otherwise it's no use. The model used in another regional town is the way it should be. It's regional (Regional Victoria).

There is no [organisation withheld] worker located in [Regional town]. The closest [organisation withheld] worker is in [other Regional town]. You can't expect him to cover all the way up to here (Regional Victoria).

At the court level, the issue of Aboriginal Child Placement Principle has also surfaced (see for example, Family Court in the matter of B. Appellant Mother and R. Respondent Father (1995), Appeal Nos. SA 4(i) and 41(ii)).

A legal representative in another matter reported to the Review that he has had:

Two comforting experiences in the Children's Court lately with Magistrates. In several cases I have been involved in, DHS were seeking to place the child in foster care without researching whether a Koori foster family was available. They were told in no uncertain terms by both Magistrates that the Principles of the Aboriginal Child Placement had to be adhered to and until they were, the court would not consider the DHS case (Metropolitan Melbourne).

This example illustrates well how some Royal Commission Recommendations can be used by courts as a normative standard to ensure their implementation.

More generally, in terms of providing adequate family and children services for Indigenous people, as one Indigenous mother explained with a sense of powerlessness, there is a perceived lack of help when you need it:

There isn't enough out there for community. You have to do something wrong before you can get help and even then you can't be sure you'll get it. Our youth are crying out for help here. Access to mainstream services through schools doesn't help at all. I went to DHS for help with my son. They wouldn't help me at all. What do I have to do? Do I have to bash my kids before I get help? The rights of parents have been taken away. I can't force him to go to school and there's nobody out there to help me with this situation. If I had of got help earlier than this then he wouldn't have ended up like this. I am a caring and concerned parent. DHS just wouldn't help me until it was too late. It's only then that they said they could intervene. The welfare system [DHS] doesn't help you as a parent. As soon as you do something wrong in their eyes then they blame you straight away. My son is okay now but that's not because of I got any help from DHS or anything. It's because I had to battle it out on my own. It worked only because of my support and persistence that it kept him out of worse trouble. DHS just don't give you much help in this region (Regional Victoria).

The rate for Aboriginal children who are placed on Care and Protection Orders was about ten times the rate for other children in 2003.

Others added:

We had a young kid enrolled in high school here. He was then transferred to another school. DHS contacted me and said that I shouldn't help because the Police were looking for him and they will pick him up. It is

strongly recommended by this community that the Department of Human Services employ Aboriginal Liaison Officers to cover Child Protection and Housing matters in the region (Regional Victoria).

There is a desperate cry for help about what is happening to families in the community but there is, at the same time, a sense that nothing seems to be happening:

All our kids started out as beautiful babies. What went wrong? We need role models for our kids because sometimes their parents are just not capable of being those role models for them. They are caught up in their own issues. We have a number of our Koori kids in child protection. The majority of those kids in protection are with non-Koori families. You need to ask why our kids are being separated from their mothers. It's because their issues are not being addressed (Regional Victoria).

Indigenous women are more likely than other women to give birth at a younger age than non-Indigenous women – 22 per cent of Indigenous mothers were under 20 years of age compared to 3 per cent of non-Indigenous mothers in 2002.

How many times have we had meetings to talk about kids having kids? We sit with Government agencies and say that something should be done but nothing gets done. It's always the same old story (Metropolitan Melbourne).

The Metropolitan Melbourne RAJAC Plan (2004) also noted the matter of:

The ongoing removal of Koori children from their families, kinship networks and communities is a major problem for communities in the metropolitan region ... despite [the Aboriginal Child Placement Principle], the proportion of Indigenous children placed in accordance [with the Principle] was only about 60 per cent in Victoria at 30 June 2003 ... these statistics indicate that the Stolen Generation is far from over ... the removal of Koori children from their families continues at an alarming rate, with many still being placed with non-Koori foster families ... with 65 per cent of the Aboriginal population under the age of 30, the number of placement options is declining: there are far fewer families available to provide the required out-of-home care (Department of Justice, 2004d: 18).

5.5.3 Review Comments and Recommendations

The Review Team cannot overstate the impact that the destruction and break-up of the family unit has been on the Indigenous community both nationally and within Victoria. There is no clearer evidence of this than the number of Indigenous deaths in custody of persons who were separated from their families. Fundamental to now achieving a sustainable reduction in Indigenous over-representation is the rebuilding of the family unit.

The Review notes that this is one of the three threshold issues contained in the Bracks Government Aboriginal Affairs policy statement 'Reconciliation & Respect' and supported with a budget allocation of \$2.1 million in 2002 for the establishment in Victoria of a Stolen Generations organisation. The Review also notes the Apology given with the full support of Parliament in April 2000 to the Stolen Generation.

The Review is of the view that there is no single area of the Royal Commission's Recommendations of greater symbolic and, in many instances, practical significance and urges continued efforts toward full implementation in partnership with the community to overcome these identified difficulties.

This group of Recommendations addresses issues which are pivotal to Indigenous over-representation. Rectifying, in as much as is possible, the damage done through child removal in the past is a matter of paramount significance. So too, more surprisingly perhaps, is the need to consider current child placement practices. As seen in respect of community comments to the Review above, the latter remains a matter of great concern to the community, and statistically, the question continues to be of considerable significance.

In 2003, 41 per cent of Aboriginal out-of-home care placements in Victoria failed to comply with the Aboriginal Child Placement Principle. The rate of such placement is much higher for Indigenous than for non-Indigenous children, as are the rates of Child Protection Substantiation (nine times) and Care and Protection Orders (ten times). There could be no greater symbol of disempowerment than the loss of physical and emotional responsibility of Indigenous people for their children.

Aboriginal involvement in primary advice on the interests and welfare of children and young people coming into contact with the criminal justice and welfare systems also raises the question of empowerment at a very basic emotional level. Arrangements to ensure this participation are vital. Exclusion of Indigenous families and communities from advisory processes in such situations only reinforces the sense of disempowerment. Equally, recognising that community based programs have the best chance of success is a vital political and cultural step in restoring a sense of empowerment to Aboriginal society and in keeping with the principles of the *VAJA*.

The Review has noted the considerable range of initiatives which have been set in train in response to the Royal Commission Recommendations by the Victorian Government and community agencies. While at the same time, the statistical information on the young age of Indigenous mothers, on the high per cent of single parent families in Indigenous households, as well as measures on child protection placement, remain at worrying levels. The Review also notes the important inquiries in other Australian jurisdictions.²⁴ The Review commends the Victorian agencies, not only for the thoroughness but also for the candour with which they have responded to the request for relevant information and notes the identified difficulties in this area.

The Review notes the partnership between the PROV and the KFHS with regard to the re-establishment of links with family and community as advocated by Recommendation 52. It also notes that the partnership is working to overcome obstacles such as funding and that Link-Up was formerly funded by ATSIC. The Review also notes that the Koori Family History Service suggests monitoring the number of Indigenous staff members and staff support mechanisms within the prison system to ensure appropriate levels are maintained.

The Review notes that the Victorian Koorie Records Taskforce constituted a major component of the Victorian Government's response to Recommendation 53 on access to archival and government records, as well as to the *Bringing Them Home* Report. It also

²⁴ See the Western Australia *Inquiry into Response by Government Agencies to complaints of Family violence and Child Abuse in Aboriginal Communities*, (2002); and the *Protecting Children- an Inquiry into Abuse of Children in Foster Care, Crime and Misconduct Commission, Queensland* (2004) which made key recommendations as well as the Secretariat of the National Aboriginal and Islander Child Care Commission (SNAICC) Report, *Their Future, Our Responsibility* (2001).

notes that this body had input into the establishment, in 2002, of the Stolen Generations Taskforce and the presentation of the *Victorian Stolen Generations Taskforce Report* to the Victorian Government (April 2003).

The Review notes that while the Aboriginal Child Placement Principle has not been adopted into Victorian legislation, its principles are purported to be reflected in the *Children and Young Persons Act 1989* and the *Adoption Act 1984*. It also notes that the former legislation is under review and that incorporation of the ACPP into the reformed legislation is anticipated. VACCA is reported to be the only Aboriginal agency Gazetted under the *Adoption Act 1984* and as state-wide manager of the Adoption and Permanent Care Program. Its inability to cope with these responsibilities because of inadequate resources is noted as a matter of concern.

The Review further noted the wide range of implementation difficulties cited by DHS in connection with initiatives aimed at reducing care placements and separation from family and community.

The Review notes that, while legislative provision has not been made for the primary source of advice in relation to young Aboriginal people in contact with the criminal justice system to be family and community, the Koori Justice Program in DHS purports to reflect the spirit of Recommendation 235 in this respect. It also notes the various initiatives taken in connection with child care and protection, including the DHS-VACCA Protocol, the establishment of the Aboriginal Child Specialist Advice and Support Service and the Aboriginal Family Decision Making (AFDM) Pilot program in Shepparton. It also takes note of the fact that in relation to all of these initiatives (including the possibility of legislative provision for Aboriginal advice in relation to criminal justice cases) resource problems are cited as a serious impediment to effective implementation.

The Review notes that in connection with recognition of the importance of community based and devised programs for youth, the relevant elements of DHS and the Office for Youth (DVC) are committed to the philosophy of self-management, Recommendation 236. It is also noted, however, that the principal impediments to implementation involve the inadequate resources and infrastructure at the disposal of Indigenous community organisations for this purpose.

The Review notes that the Royal Commission did not identify Indigenous family violence as an issue, and made no specific Recommendations in this respect. Therefore this Review has not received specific government responses on the issue of family violence in Indigenous communities. In the community consultations the issues came up in a general way:

Family violence is a big issue for us fellas. We've all grown up with it. Sexual abuse/neglect. Where do you learn to deal with those issues especially while you are in here? (Indigenous male prisoner).

This Review has examined the Victorian Indigenous Family Violence Strategy, which identifies and reiterates the underlying issues noted in this Review as causative of the high incidence of family violence in Indigenous communities. The Strategy emphasises that from an Indigenous perspective, *the causes of family violence are located in the history and impacts of white settlement and the structural violence of race relations since then* (Victorian Indigenous Family Violence Taskforce, 2002: 5). These factors include: dispossession of land and traditional culture, racism and vilification, economic exclusion and entrenched poverty, substance abuse, the consequences of institutionalisation and child removal policies.

The Review notes the relative absence of comments by government agencies on the matter of Indigenous family violence. There was also the relative silence of the Royal Commission on this. Thus while no specific Recommendations exist addressing family violence, the Review notes that a number of recent reports have shown the high levels of family violence in many Indigenous communities. It is not an Indigenous-only problem but unless it is more effectively dealt with, Indigenous families and children will continue to suffer, and their communities too. The *Victorian Indigenous Family Violence Strategy* is currently being implemented and links to Indigenous family and children's well-being outcomes should be monitored.

Another area not identified by the Commission was the number of women in contact with the justice system. The Review notes that there has been a marked increase in the numbers of Indigenous women coming into contact with the justice system and that this can impact on family and children as well as communities. The causes are unclear, indicating a need for research. The profiles of Indigenous women in prison are reported to be similar to profiles of non-Indigenous women but with higher incidence of violence and victimisation.

Recommendation 16.

- That the Departments of Justice (Corrections Victoria) and Human Services (Juvenile Justice):
 - (a) work with the Stolen Generations Organisation of Victoria (and associated initiatives including Koori Family History Service and Link-Up); and
 - (b) maximise access to correctional facilities to Aboriginal people responsible for the delivery of programs on re-establishing links to families to Indigenous offenders and those in custody as required under the *Victorian Aboriginal Justice Agreement*, 2.14 (Recommendation 52 relating to re-establishing links with community and family).

Recommendation 17.

- That the Department for Victorian Communities (Public Record Office Victoria and Aboriginal Affairs Victoria):
 - (a) report to both the Minister for Aboriginal Affairs and the Stolen Generations Organisation of Victoria on the ongoing implementation and monitoring of Recommendations 52 and 53 and that these agencies;
 - (b) review the level of supported access, service consistency and funding support relating to family and community records offered to the Indigenous community (including prisoners and offenders);
 - (c) report to the Stolen Generations Organisation of Victoria on progress in implementing the 54 recommendations from the *Bringing Them Home Report* and the nine recommendations from Stolen Generations Taskforce Report to Government, April 2003, particularly with regard to sectorial reform, records access and developing an understanding between record holding agencies in Victoria and the Aboriginal community; and
 - (d) provide ongoing access to archival records pertaining to the histories of Aboriginal people and communities.

Recommendation 18.

- That the Department for Victorian Communities (Office for Youth):
 - (a) conduct a review on the resources and infrastructure for youth programs available to Indigenous organisations given their responsibilities including clarification of agencies' expertise, roles and responsibilities in the Indigenous youth sector;
 - (b) provide a report to the Aboriginal Justice Forum on (a); and
- That the Victorian Government continue to implement and monitor Recommendation 236 (relating to the negotiation with Aboriginal communities and organisations in the devising of Aboriginal youth programs) through any monitoring process established as a consequence of this Review.

Recommendation 19.

- That the Department of Human Services:
 - (a) develop cultural strengthening training programs for Indigenous youth in custody, including the development of personal cultural plans with specific strategies to maintain the young persons connection with their community;
 - (b) amend the Children and Young Persons Act, 1989, to incorporate the Aboriginal Child Placement Principle, and ensure adequate funding is provided to enable compliance by Child Protection and the Children's Courts to this Principle. This should be done in negotiation with its Commonwealth counterpart to ensure it is enshrined in its legislation (Recommendation 54);
 - (c) address all shortcomings (including legislative, resources, skills development) in the implementation of Recommendation 54 relating to the Aboriginal Child Placement Principle and the essential role of Aboriginal Child Care Agencies with the objective of reducing the number of Indigenous children removed from their families, including development of a workforce development strategy to enhance the Aboriginal Child and Family Welfare system in Victoria;
 - (d) ensure that adequate resources and programs, developed jointly with the Victorian Aboriginal Child Care Agency, are provided to the Aboriginal Child and Family Welfare Services to meet the breadth of their responsibilities, including capacity building of Aboriginal specific early intervention and prevention services;
 - (e) ensure adequate resources are made available to mainstream Child and Family Welfare Services to ensure cultural factors are considered at all key decision making stages, including in Statutory Child Protection matters, and contact is maximised with the Aboriginal community (Recommendation 235);
 - (f) ensure that non-Indigenous services providers and their employees working with Indigenous young people undertake cultural training;
 - (g) utilise Indigenous families and child advocacy groups as the primary source of advice in relation to Indigenous juveniles in the welfare and justice systems (Recommendation 235);
 - (h) ensure there are systematic links between the Indigenous Family Violence Strategy and the implementation of the Royal Commission's Recommendations relating to families and children to ensure a holistic approach to Indigenous family and child wellbeing (Recommendations 52-54 and 235-236); and
 - (i) report regularly to the Department of Human Services Aboriginal Human Services Forum on the continued implementation and monitoring of (a)-(h).

5.6 Health and Well-being

The Royal Commission had no doubts as to the central place of health, or the lack of it, in the general pattern of Aboriginal disadvantage underpinning high rates of custody:

It is apparent that health was a key vulnerability facing those Aboriginal people who died in custody and, indeed, is a key vulnerability of all people taken into custody ... The poor health of many individual Aboriginal people reflects the nature of many Aboriginal communities in which feelings of individual despair and hopelessness are often found. These feelings are reflected by violence, drunkenness, vandalism and other forms of crime, as well as illness and self-destructive behaviour (Royal Commission, 1991b, Vol. 3, 23.1.1).

The Commission found that:

By virtually every health status measure, and for almost all disease categories, the health of Aboriginal people is much worse than that of other Australians. The extent of Aboriginal health disadvantages can be gauged from their overall mortality: [Aboriginal people have rates of death] roughly two to four times that of the total Australian population. As a result, Aborigines can expect to live many years less than other Australians: for males, between 12 and 20 years less, and, for females, between 14 and 21 years less (Royal Commission, 1991b, Vol. 3, 23.1.2).

Even more telling, perhaps, was the difficulty the Commission experienced in even acquiring adequate statistical data on the subject, itself an indicator of the priority being allocated to Aboriginal health at that time:

In summarising a variety of health data from different sources, this report, and five others [an overview for each State] prepared for the regional Commissioners drew attention not only to the poor level of health experienced by Aboriginal people, but also to the relative paucity of Aboriginal health statistics. I find it unfortunate that data for any key health indicator for Aboriginal people are not available at a national level, and many are not even available at State and Territory level (Royal Commission, 1991b, Vol. 3, 23.1.2).

A series of Recommendations are designed to effect an improvement in Aboriginal health as part of the broader agenda to reduce custody rates and over-representation in the criminal justice system. The intent of these Recommendations aims more specifically to improve the collection of accurate and comprehensive information on Aboriginal health programs, as well as address the adequacy of health policies, programs and services, training, communication, access to health care services and facilities, procedures in casualty, physical design and method of operating health care facilities.

They are also aimed at achieving the involvement of Aboriginal people in decision-making roles (including representation on boards), employment of Aboriginal staff, and expansion of tertiary training in the health area for Aboriginal students.

Further Recommendations consider the provision of contract services for community-controlled Aboriginal health services, the resourcing of these services, the evaluation of

Aboriginal community-controlled health services, Aboriginal hospital liaison officers, Aboriginal health workers, and the need to address non-compliance by patients with advice from health practitioners.

Specific Recommendations are also intended to address mental health services, the importance of Aboriginal involvement in their development, mental health training for Aboriginal health workers, and the integration of mental health services with local health and other support services.

The Commission further also made Recommendations about the need to stimulate research into health concerns identified as priorities by Aboriginal health advisory bodies, Aboriginal health ethics, and the need to involve Aboriginal people in the development of health statistics.

The relevant Recommendations and the self-assessed implementation status reports from Victorian Government departments are set out below in full. It should be noted that for a number of Recommendations, implementation is primarily a Commonwealth responsibility. However, where the Victorian Government has taken action that contributes to the implementation it is reported here against those Recommendations. They constitute the basis upon which the implementation status was determined. This material represents the reports on progress in addressing the Recommendations and is made available to the community through this Review. Community responses and Review comments and recommendations follow.

5.6.1 Royal Commission Recommendations and Implementation Status

	Recommendation	Implementation status 2003
246	That the State, Territory and Commonwealth governments act to put an end to the situation where insufficient accurate and comprehensive information on inputs to and activities of Aboriginal health programs is available. Such information is needed if Aboriginal organisations, governments and the community are to be in a position to understand and monitor what is taking place in this area, to estimate the benefits derived there from and to develop appropriate policies and programs to address existing and newly emerging needs.	Fully implemented (P&SP-DHS)
247	That more and/or better quality training be provided in a range of areas taking note of the following: <ul style="list-style-type: none"> (a) Many non-Aboriginal health professionals at all levels are poorly informed about Aboriginal people, their cultural differences, their specific socio-economic circumstances and their history within Australian society. The managers of health care services should be aware of this and institute specific training programs to remedy this deficiency, including by pre-service and in-service training of doctors, nurses and other health professionals, especially in areas where Aboriginal people are concentrated; (b) The rotation of staff through country hospitals means that many professional staff are ill-prepared to provide appropriate health care services to Aboriginal people. Staff on such rotations should receive special training for their rural placements, and resources to make this possible should routinely be provided as part of the operating budgets of the relevant facilities; (c) The primary health care approach to health development is highly appropriate in the Aboriginal health field, but health professionals are not well trained in this area. The pre-service and in-service training of doctors, nurses and other health professionals should provide such staff with a firm understanding of and commitment to primary health care. This should be a special feature of the training of staff interested in working in localities where Aboriginal people are concentrated; (d) Health care staff working in areas where Aboriginal people are concentrated 	Partially implemented (P&SP-DHS) C'with responsibility

	Recommendation	Implementation status 2003
	<p>should receive specific orientation training covering both the socio-cultural aspects of the Aboriginal communities they are likely to be serving and the types of medical and health conditions likely to be encountered in a particular locality. Such orientation programs must be complemented by appropriate on-the-job training;</p> <p>(e) Effective communication between non-Aboriginal health professionals and patients in mainstream services is essential for the successful management of the patients' health problems. Non-Aboriginal staff should receive special training to sensitise them to the communication barriers most likely to interfere with the optimal health professional/patient relationship; and</p> <p>Aboriginal people often present to mainstream health care facilities with unusual health conditions and unusual presentations of common conditions, as well as urgent, life-threatening conditions. The training of health professionals must enable them to cope successfully with these conditions.</p>	
248	That health departments, academic institutions and other relevant training authorities monitor the proposed Monash University Victorian Aboriginal Health Services Aboriginal Primary Health Care Unit, with a view to learning from its experiences and that those interested in this field study the philosophies and methods of operation of the Aboriginal community-controlled health services.	Classified as no longer relevant to Victoria (P&SP-DHS)
249	That the non-Aboriginal health professionals who have to serve Aboriginal people who have limited skills in communicating with them in the English language should have access to skilled interpreters.	Classified as not relevant to Victoria
250	That effective mechanisms be established for communicating vital information about patients, between the mainstream and Aboriginal community-based health care services. This must be done in an ethical manner, preserving the confidentiality of personal information and with the informed consent of the patients involved. Such communication should be a two-way process.	Partially implemented (P&SP-DHS)
251	That access to health care services and facilities, including specialised diagnostic facilities, in areas of Aboriginal population should be brought up to community standards. The greater needs, for the time being, of Aboriginal people should be fully recognised by the responsible authorities in their consideration of the allocation of staff and equipment.	Fully implemented (P&SP-DHS)
252	That hospitals that are regularly attended by Aboriginal people should review existing procedures in casualty, in consultation with Aboriginal Health and Medical Services, to reduce the likelihood of Aboriginal patients receiving ineffective diagnosis and treatment. The usefulness of standard protocols in such situations should be explored in the reviews.	Partially implemented (P&SP-DHS)
253	That the physical design of and methods of operating health care facilities be attuned to the needs of the intended patients. Particularly where high concentrations of Aboriginal people are found, their special needs in these regards should be taken into consideration. The involvement of Aboriginal people in the processes of designing such facilities is highly desirable.	Partially implemented (P&SP-DHS)
254	That health departments and other mainstream health authorities accept as policy, and implement in practice, the principle that Aboriginal people should be involved in meaningful ways in decision-making roles regarding the assessment of needs and the delivery of health services to the Aboriginal community. One application of this principle is that efforts should be made to see that Aboriginal people are properly represented on the Boards of hospitals serving areas where Aboriginal patients will be a significant proportion of hospital clients.	Partially implemented (P&SP-DHS)
256	That more Aboriginal staff be employed through affirmative action programs as health care workers (and, indeed, in other capacities such as support staff in those mainstream health care facilities which serve Aboriginal clients and patients) and that their involvement must be well thought out, be at appropriate levels, and be structured so that they contribute effectively with the minimum amount of role conflict.	Partially implemented (P&SP-DHS)
257	That special initiatives now in place in a number of tertiary training institutions, such as medical schools, to facilitate the entry into and successful completion of courses of study and training by Aboriginal students be expanded for use in all relevant areas of health services training.	C'with responsibility
258	That in areas where Aboriginal people are concentrated and the state or territory governments provide or intend to provide a particular service or services to Aboriginal people, the governments invite community-controlled Aboriginal Health Services to consider negotiating contracts for the provision of the services to Aboriginal people and also, where appropriate, to non-Aboriginal people.	Partially implemented (P&SP-DHS)
259	That Aboriginal community-controlled health services be resourced to meet a broad range of functions, beyond simply the provision of medical and nursing care, including the promotion of	Partially implemented

	Recommendation	Implementation status 2003
	good health, the prevention of disease, environmental improvement and the improvement of social welfare services for Aboriginal people.	(P&SP-DHS) C'with responsibility
260	That: (a) Funding bodies should facilitate program evaluation of Aboriginal community-controlled health services, not with the aim of making decisions on levels of funding, but with the aim of assisting the services to operate most effectively and efficiently; (b) Representatives of the Aboriginal community should be invited to participate in the control of the evaluation research activity; and (c) Performance indicators should be drawn up cooperatively between the managers of the services and the funding bodies.	a) Partially implemented, b) and c) fully implemented (P&SP-DHS) C'with responsibility
261	That the use of Aboriginal hospital liaison officers be expanded in hospitals which serve Aboriginal patients and that they be seen and used as respected members of the therapeutic team.	Partially implemented (P&SP-DHS)
262	That the States recognise the contributions of Aboriginal Health Workers and in so doing review the Northern Territory's experience of the establishment of appropriate career structures and the registration of them.	Partially implemented (P&SP-DHS)
263	That where there is a high level of non-compliance by a range of Aboriginal patients with advice tendered to them by health professionals, the health professionals should examine their styles of operation with a view to checking whether those styles can be improved.	Fully implemented (P&SP-DHS)
264	That: (a) There be a substantial expansion in Aboriginal mental health services within the framework of the development, on the basis of community consultation, of a new national mental health policy; (b) There be close scrutiny by those developing the national policy of the number of models that exist for such expansion; and (c) Aboriginal people be fully involved in the policy development and implementation process.	a) Partially implemented; b) no longer relevant; and c) fully implemented (MH-DHS) b) C'with responsibility
265	That as an immediate step towards overcoming the poorly developed level of mental health services for Aboriginal people priority should be given to complementing the training of psychiatrists and other non-Aboriginal mental health professionals with the development of a cadre of Aboriginal health workers with appropriate mental health training, as well as their general health worker training. The integration of the two groups, both in their training and in mental health service delivery, should receive close attention. In addition, resources should be allocated for the training and employment of Aboriginal mental health workers by Aboriginal health services.	Partially implemented (MH-DHS)
266	That the linking or integrating of mental health services for Aboriginal people with local health and other support services be a feature of current and expanded Aboriginal mental health services.	Partially implemented (MH-DHS)
267	That aerial medical services and the appropriate authorities review the effectiveness of practices relating to medical diagnosis at a distance, for example by radio or telephone, and consider the implementation of standard diagnostic protocols, where they are not currently being used.	Classified as no longer relevant to Victoria (P&SP-DHS)
268	That the National Health and Medical Research Council actively stimulate research into health concerns identified as priorities by appropriate Aboriginal health advisory bodies (such as the proposed Council of Aboriginal Health), particularly research that involves Aboriginal people at both the development and implementation stages.	C'with responsibility
269	That compliance with the National Health and Medical Research Council's Advisory Notes on Aboriginal health research ethics be a condition of Aboriginal health research funding from all sources.	Fully implemented (PH-DHS)
270	That: (a) Aboriginal people be involved in each stage of the development of Aboriginal health statistics; and (b) Appropriate Aboriginal health advisory bodies (such as the proposed Council of Aboriginal Health) consider developing an expanded role in this area, perhaps in an advisory capacity to the Australian Institute of Health, and that the aim of this involvement should be to ensure that priority is given to the collection,	a) Fully implemented; and b) not relevant to DHS (P&SP-DHS)

	Recommendation	Implementation status 2003
	analysis, dissemination and use of those Aboriginal health statistics most relevant to Aboriginal health development.	
271	That the implementation of the National Aboriginal Health Strategy, as endorsed by the Joint Ministerial Forum, be regarded as a crucial element in addressing the underlying issues the Commission was directed to take into account, and that funds be urgently made available to allow the Strategy to be implemented.	Classified as no longer relevant to Victoria (P&SP-DHS)

Government Responses on Implementation

Recommendation 246: Adequate information on Koori health programs

Policy and Strategic Projects (DHS) advised the Review that the Department has established information management plans; the first from 1999-2001 and the second plan from 2002-2005, with the aim of improving the availability and quality of data provided by all DHS data collection systems in regard to the provision of health, community and housing services to Koori people. The Koori Information Plan is an ongoing strategy, which includes continual monitoring of data quality. In addition, DHS has conducted an annual audit of DHS expenditure, programs and initiatives that are specifically intended to improve health outcomes for Aboriginal people in Victoria.

The audit provides a baseline of information about all Aboriginal specific health and welfare initiatives within DHS and it will be amended and built on over time ensuring that there is a current and accessible database available to Aboriginal organisations and communities. This will assist in the establishment of linkages between complementary programs and inform policy and program development. The Review was provided with a copy of 2001-02, 2002-03 and 2003-04 audit reports.

The information gathered has been distributed to DHS Aboriginal Human Services Forum members for further discussion. The DHS Aboriginal Human Services Forum chaired by the Secretary and with representation from peak Aboriginal organisations, an Aboriginal representative from each departmental region and representation from DHS divisions and regions provides an opportunity for information sharing on departmental programs and services. As part of the Aboriginal Services Plan, DHS also publishes annually the Key Indicators Report, which includes the most important indicators of Aboriginal health and well-being.

DHS publishes *Koori Health Counts*, which provides valuable information about patterns of illness in the Aboriginal community. The aim of the publications is to improve the availability of Koori Health information in Victoria and to provide the information in a way that is appropriate for use within the community. Aboriginal hospital liaison officers employed in hospitals in Victoria (where there is a significant Aboriginal population) provide the information contained in the publication through their monthly reports.

DHS advised the Review that the lack of quality data on Aboriginal identification hinders the implementation of this Recommendation. The recording of Aboriginality is a mandatory data item in most DHS information systems but some systems still experience difficulties collecting and recording accurate data on Aboriginal identification. Furthermore, Aboriginal community organisations often have difficulties in responding to requests by DHS in relation to collection of data and commenting on reports, etc. because of lack of resources. At times, some organisations are also reluctant to provide information based on concerns about the ownership of data and how it will be used.

DHS welcomes the development of a whole-of-government strategy for performance reporting based on the Productivity Commission's report *Overcoming Indigenous Disadvantage*, to ensure all departments are reporting against defined targets agreed across jurisdictions.

A new program Improving Health Care for Aboriginal and Torres Strait Islander Patients (ICAP) commenced in July 2004. The program involves:

- Amalgamation of the formerly separate Koori Hospital Liaison Officer program funding and the 10 per cent Aboriginal Weighted Inlier Equivalent Separation (WIES) supplement into a single funding stream through WIES.
- An increase in the WIES supplement for patients identified as Aboriginal to 30 per cent.
- A focus on cultural change in health services leading to improved identification and health care for Aboriginal patients.

It is expected that recording of Aboriginality of hospital inpatients will improve. The *National Aboriginal and Torres Strait Islander Health Performance Indicators Report* is a biennial report completed by all jurisdictions. Victoria's response contains information on Aboriginal-specific and relevant mainstream health programs, including health expenditure. The final report of this series covers 2002-03 and 2003-04. These reports will be replaced by the *National Strategic Framework on Aboriginal and Torres Strait Islander Health reports*.

Recommendation 247: Training of health care staff

- (a) Training of non-Aboriginal health professionals
- (b) Training of staff rotating through country hospitals
- (c) Training in primary health care
- (d) Staff orientation
- (e) Training in effective communication
- (f) Management of unusual health conditions

Policy and Strategic Projects (DHS) advised the Review that:

Part (a) of the Recommendation has been addressed by Victoria's input to the development of the *Aboriginal and Torres Strait Islander Health Workforce Strategic Framework* (May 2002) through membership on the Standing Committee of Aboriginal and Torres Strait Islander Health (SCATSIH), and the Strategic Framework's Drafting Committee. The Workforce Strategic Framework was developed by SCATSIH for endorsement by the Australian Health Ministers' Advisory Committee (AHMAC). The Workforce Strategic Framework sets out a range of strategies to achieve a competent health workforce for Aboriginal and Torres Strait Islander people and will be implemented at the state/territory level through plans developed under the Victorian Aboriginal Council on Koori Health (VACKH) forum. Since the changes to ATSIC were announced, membership of the VACKH forum comprises State (DHS, AAV), Commonwealth (OATSIH), and Aboriginal community (Victorian Aboriginal Community Controlled Health Organisation) representation. Objective 4 of the Framework contains strategies to address pre-service and in-service training of doctors, nurses and other health professionals in areas where there is a high population of Aboriginal people.

Part (b) of the Recommendation has not been fully implemented. DHS advised the Review that some hospitals have developed a policy whereby Aboriginal Hospital Liaison Officers

provide cultural awareness training as part of the orientation program for new staff. DHS will implement shortly a recurrent program of cultural awareness and respect training for DHS and funded sector staff.

Part (c) of the Recommendation is to be addressed through the *Aboriginal and Torres Strait Islander Health Workforce Strategic Framework*. Objective 4 recognises the need to have particular strategies in place to prepare and support the non-Indigenous health staff working in Aboriginal primary health services. Implementation at the State level will take place through the VACKH forum.

Part (d) of the Recommendation has not been fully implemented. DHS advised the Review that some hospitals employing Aboriginal Hospital Liaison Officers arrange cultural awareness training as part of the orientation program for all new hospital staff. Objective 3 of the *Aboriginal and Torres Strait Islander Health Workforce National Strategic Framework* recognises that the role and development needs of other health workforce groups contributing to Aboriginal and Torres Strait Islander health must be addressed. Implementation will be at the State level through the VACKH forum.

Part (e) of the Recommendation has only been partially implemented, with some hospitals arranging cultural awareness training for new staff, and establishing Aboriginal Advisory Committees. Objectives 3 and 4 of the *Aboriginal and Torres Strait Islander Health Workforce National Strategic Framework* contain strategies that will be implemented at the State level to address this issue. See also Recommendation 250.

Part (f) of the Recommendation is addressed in Part (e) above.

Victoria has developed a consultation draft as part of the implementation of the Aboriginal and Torres Strait Islander Health Workforce National Strategic Framework. This project will be overseen by VACKH, which has State (DHS), Commonwealth and Aboriginal community participation. The existing Victorian Implementation Plan is currently being reviewed by the VACKH workforce sub-committee. A number of consultations have been held, led by VACCHO.

Policy and Strategic Projects (DHS) further advised the Review that one focus of Improving Health Care for Aboriginal and Torres Strait Islander Patients (ICAP) program, which commenced in July 2004, is cultural change in health services, including training of non-Aboriginal staff.

Recommendation 248: Monash University, Victorian Aboriginal Health Services, Aboriginal Primary Health Care Unit

As the unit referred to in Recommendation 248 no longer exists, the Recommendation has been classified by **Policy and Strategic Projects (DHS)** as no longer relevant to Victoria.

Recommendation 249: Use of interpreters

This Recommendation has been classified as not relevant to Victoria according to the Victorian Government 1996-97 Implementation Report.

Recommendation 250: Improving communication of health care staff

Policy and Strategic Projects (DHS) advised the Review that health services have developed methods of sharing client information between service providers while preserving patient privacy and confidentiality. Aboriginal community-based health services are included in this system where appropriate.

An initiative funded through the Commonwealth Office of Aboriginal and Torres Strait Islander Health has led to the development of an information system for Aboriginal patients which is being piloted in a number of Aboriginal community controlled health services. It will also have the capacity for the establishment of more effective links with mainstream health services providers.

However, it is important to ensure that patient privacy is preserved in accordance with the *Health Records Act* and not all health services are able to mark patient files as Aboriginal.

Furthermore, it is acknowledged that a fundamental requirement for the information system is privacy and confidentiality of each patient's personal information, and that no exchange of information between health care providers can take place without the informed consent of the individual patient.

Koori Hospital Liaison Officers are involved in hospital planning for the continuity of care for Aboriginal patients to provide them with ongoing health care following their discharge from hospital. This involves communicating confidential information about patient details with both mainstream and Aboriginal community controlled health care services.

DHS further advised the Review that the Department of Human Services was not mentioned in the Cora Day inquest. The Commonwealth government has responsibility for primary health in Aboriginal community controlled organisations and primary health in general. The Commonwealth's Medicare Smart Card initiative is the most recent activity, (storing and making available emergency patient information), that is occurring but is still quite some time away from implementation.

DHS provided the Review with the report for the Office for Aboriginal and Torres Strait Islander Health *Information Systems in Aboriginal & Torres Strait Islander Health Services – A Reference Guide for Services Contemplating the Introduction of a Computer-based Patient Information and Recall System* December 2000 and information on the new Medicare Smart Card.

The *Aboriginal and Torres Strait Islander Accreditation Project*, completed in 2002, addressed the issues of accurate identification of Aboriginal patients, cultural sensitivity of services and communication between staff and agencies. The Project was followed by *Developing a new approach to Koori Hospital Liaison Services*, completed in December 2004, which developed the following guidelines:

- Provide or coordinate cross-cultural training for hospital staff;
- Help to establish and maintain relationships with Aboriginal community organisations and services;
- Help to set up and maintain service planning and evaluation processes which ensure that cultural needs of Aboriginal people are addressed when referrals and service needs are being considered, particularly in regard to discharge planning;
- Help to establish referral arrangements to support all hospital staff to make effective referrals and seek the involvement of Aboriginal workers and agencies when appropriate.

Recommendation 251: Better access to health care facilities and services

Policy and Strategic Projects (DHS) advised the Review that DHS in conjunction with VACCHO contributed to the development of the *National Strategic Framework for Aboriginal*

and Torres Strait Islander Health. Nine key result areas have been established to address the health status of Aboriginal people. These are grouped into three sections: Towards a more effective and responsive health system; influencing the health impacts of the non-health sector; and providing the infrastructure to improve health status. A Victorian Implementation Strategy has been developed through the joint planning process of the VACKH.

The Agreement on Aboriginal and Torres Strait Islander Health (Framework Agreement) between VACCHO, ATSIC, and the Commonwealth (OATSIH) and State (DHS) was signed in 2002 and agreed to improve access to Aboriginal and Torres Strait Islander specific health services, health related programs and mainstream services. As outlined in the Agreement, VACKH will continually review access to mainstream services and Aboriginal community controlled health services and identify areas where changes are needed to ensure that the greater need of Aboriginal people is reflected.

The Review sought a status report on the agreement between VACCHO, ATSIS and DHS and was advised that Clause 8.1 of the Agreement ensures it continues to have force beyond the notional end of the agreement (30 June 2003). A new agreement has not yet been signed or agreed to by parties. DHS provided the Review with a copy of the Agreement on Aboriginal and Torres Strait Islander Health.

The draft Implementation Plan (November 2004) identifies current activities by each party. Victoria's initiatives are based on the goals of the Aboriginal Services Plan. The Plan will be monitored by SCATSIH.

Recommendation 252: Effectiveness of hospital casualty procedures

Policy and Strategic Projects (DHS) advised the Review that Koori Hospital Liaison Officers are able to monitor procedures for Accident and Emergency patients in the hospitals where they are employed. This occurs as a routine practice allowing issues to be addressed as they arise, rather than through a review process.

Some hospitals in Victoria have established Aboriginal Advisory Committees where issues affecting Aboriginal hospital in-patients or those attending Accident and Emergency are discussed and brought to the attention of relevant health professionals.

Until June 2004, Koori Hospital Liaison Officers were employed in 18 Victorian hospitals, not all of which had Accident and Emergency departments or services, so that many hospitals did not have the resources to address Accident and Emergency procedures as they related to Aboriginal patients. *Improving Health Care for Aboriginal and Torres Strait Islander Patients* program was implemented in July 2004, which includes a focus on cultural change in health services leading to improved identification and health care for Aboriginal patients.

The following documents have been provided by DHS: *Outline of KHLO (Koori Hospital Liaison Officer) program major developments, Projected Aboriginal WIES Co-payments for the 2004-05 Financial Year*, Extracts from *Victoria – Public hospitals and mental health services: Policy and Funding Guidelines*, *Developing a new approach to Koori Hospital Liaison services – final report, December 2004*.

Recommendation 253: Suitability of health care facilities

Policy and Strategic Projects (DHS) advised the Review that when a health service is planned or designed in an area where there is a significant Aboriginal population, consultation with Aboriginal people would take place through the VACCHO, VACKH, and through the relevant RAJAC.

Achieving Improved Aboriginal Health Outcomes – An Approach to Reform is a DHS Strategy which recognises the need for Aboriginal people to be involved in all stages of the health process from assessing community needs, planning of services and monitoring of outcomes. This has led to the establishment of a Koori room being designed at a rural hospital for Koori families to utilise. DHS has provided the Review with a copy of *Achieving Improved Aboriginal Health Outcomes*.

Recommendation 254: Involving Aboriginal people in health service

Policy and Strategic Projects (DHS) advised the Review that the DHS *Aboriginal Services Plan* commits to the establishment of Regional Aboriginal Services Reference Groups and/or Local Aboriginal Human Services Advisory Committees, and the development of Regional Aboriginal Services Plans to ensure local Aboriginal communities are actively involved in decision-making roles regarding the assessment of needs and delivery of health services in the local area. The plan also commits DHS to increasing the number of Aboriginal people in decision-making positions.

Five regional hospitals and one metropolitan hospital currently have an Aboriginal board member. A number of hospitals and community health centres in Victoria have established Aboriginal Advisory Committees to provide advice to ensure cultural input into programs and services. However, the process for appointment to hospital boards of management in Victoria is covered by legislation. There is no mandatory requirement for Aboriginal and Torres Strait Islander people to be appointed to hospital boards, and there is no requirement for the recording of Indigenous status for persons appointed to hospital boards or community health centre boards.

Developing a new approach to Koori Hospital Liaison recommends the involvement of Aboriginal communities in the Aboriginal Hospital Liaison Program.

Recommendation 256: Employment of Aboriginal staff

Policy and Strategic Projects (DHS) advised the Review that its DHS *Aboriginal Human Services Plan* recognises that mainstream service providers are pivotal to the provision of successful services to Aboriginal people and that the employment of Aboriginal people in a broad range of occupations within these services must be improved. Aboriginal employment within the health, housing and community services sectors will be addressed in the implementation of the plan. DHS is committed to implementing its responsibilities under Victoria's *Wur-cum barra Employment Strategy* by developing a departmental *Aboriginal Recruitment and Career Development Strategy* which contains set targets for Aboriginal employment in the department and its funded agencies. DHS advised there are some difficulties associated with encouraging Aboriginal people to work in mainstream areas of the department, including limited number of Effective Full-time (EFT) positions that equate to affirmative action. The Department's *Aboriginal Recruitment and Career Development Strategy* contains set targets for Aboriginal employment in the Department and its funded agencies. Strategies focus on attracting, recruiting and retaining Indigenous job seekers to DHS, including:

- supporting and strengthening the DHS Indigenous Staff Support Network;
- offering scholarships to Indigenous students to assist them to complete studies in a health and/or community services related field;
- targeting pathways such as traineeships to Indigenous people;
- assisting Indigenous jobseekers with information on applying for jobs in DHS;
- advertising jobs in areas where Indigenous people are likely to see DHS vacancies; and

- ensuring DHS policies address cultural diversity issues.

Other strategies being developed include: cultural respect training for DHS staff; using identified and exempted positions to recruit Indigenous employees; and developing a partnership with a school which has a population of Indigenous students to create an employment pathway.

Developing a new approach to Koori Hospital Liaison Services provides guidelines for the employment of Aboriginal Hospital Liaison Officers in mainstream hospitals.

A copy of the Aboriginal Service Plan consolidated Performance Report 2003-04 and the Indigenous Recruitment and Career Development Strategy 2002-2005 were provided by DHS to the Review.

Policy and Strategic Projects (DHS) and Public Health (DHS) advised the Review that from 2003-04, all DHS programs have contributed recurrent funding to the development of Cultural Awareness and Respect training across DHS and funded sector staff, with particular emphasis on staff supervising Aboriginal staff.

Recommendation 257: Expanding tertiary training for Aboriginal students

Policy and Strategic Projects (DHS) advised the Review that the funding of tertiary institutions is the responsibility of the Commonwealth. This Recommendation is not directly relevant to DHS, but this will be met in part by the strategies to address Objective 1 (*Increase the number of Aboriginal and Torres Strait Islander people working across all the health professions*) of the *Aboriginal and Torres Strait Islander Workforce National Strategic Framework*. Where possibilities exist for joint planning and cooperation between Commonwealth, state and training institutions, these opportunities are taken eg. Deakin University Nursing Course.

Recommendation 258: Provision of community-controlled Aboriginal health services

Policy and Strategic Projects (DHS) advised the Review that departmental contracts and/or funding and services agreements negotiated with Aboriginal community controlled health services usually relate to community specific projects which can only be provided and implemented by the Aboriginal community controlled health organisations. Regional Offices of the Department usually have the responsibility for negotiations with the Aboriginal community controlled organisations.

A major difficulty in implementing this Recommendation from a community perspective was the competitive tendering nature of contracts proposed in the DHS *Koori Services Improvement Strategy*. Some community controlled health services had difficulties with this concept, and full consultations with the Koori community need to take place before any changes to contract negotiations are considered.

Recommendation 259: Resourcing Aboriginal community-controlled health services

Policy and Strategic Projects (DHS) advised the Review that DHS provides funding to Victorian Aboriginal Community Controlled Health services for a wide range of specific programs relating to health and community services, such as acute health, mental health, aged care, alcohol and drug services, Home and Community Care (HACC), Koori maternity services, family support services and disability services.

The overall aim of the Department's *Aboriginal Services Plan* is to focus the resources of the Department to improve outcomes for Aboriginal people. DHS will focus on the priority areas of children and families, young people and lengthening life. This response draws close correlation to Recommendation 54 relating to the Aboriginal Child Placement Principle and the essential role of Aboriginal Child Care Agencies.

The *Aboriginal Services Plan* is based on seven specific goals identified through community consultation, and includes *Build capacity in Aboriginal organisations to develop quality services and partnerships to meet community needs* which includes the identification and provision of available resources and support that Aboriginal organisations and communities require to monitor their activities and be effective partners with DHS.

However, while limited funding and the competitive nature of attracting additional funds through the Government's Expenditure Review Committee at times impacts on the ability to fund specific initiatives, most Departmental health prevention, health promotion and environmental health programs reflect the specific needs of Aboriginal people.

DHS provided the Review with copies of the *Aboriginal Services Plan – June 04 Performance Report*, *Aboriginal Services Plan Key Indicators Report* (April 2004) and the *Aboriginal Services Plan Key Indicators Interim Report to June 2003* (June 2004).

Policy and Strategic Projects (DHS) further advised the Review of the following health initiatives in 2003-04:

- Alcohol and Drugs
- Koori Community Alcohol and Drug Resource Centres
- Koori Community Alcohol and Drug Worker Program
- Inhalant Abuse Kit
- Tobacco Projects
- Foetal Alcohol Syndrome research
- Custodial Health Alcohol and Drug Nurses
- About Better Communication on Drugs Project

Public Health

- Screening through Breast Screen and PapScreen

Mental Health

- Community based mental health services for Aboriginal people
- Koori mental health liaison officers
- Koori mental Health Services carers initiative

Aged Care

- HACC training initiative

Recommendation 260: Evaluation of Aboriginal community-controlled health services

Policy and Strategic Projects (DHS) advised the Review that the development of *Regional Aboriginal Service Plans* and Regional Aboriginal Advisory Committees through the Department's *Aboriginal Services Plan* will ensure that Aboriginal community controlled health services and the local Aboriginal community are involved in decision making in the monitoring and evaluation of health services and health programs to assist in more effective and efficient operations. Identifying and providing resources to assist build the capacity of Aboriginal organisations and communities to operate at an effective and efficient level has been identified as a strategy of the *Aboriginal Services Implementation Plan*.

The Department is committed to ensuring Aboriginal involvement in DHS evaluation and research projects which affect Aboriginal people, and works closely with the peak Aboriginal bodies, and the VicHealth Koori Health Research and Community Development Unit.

Performance indicators are established, agreed and monitored through the DHS Funding and Service Agreement process with the manager of the relevant Aboriginal community controlled service. The *Aboriginal Services Plan* ensures clear outcomes and targets are incorporated into each Agreement.

However, difficulties occur when implementing this Recommendation as funding for infrastructure for Aboriginal community controlled health services comes from the Commonwealth Office of Aboriginal and Torres Strait Islander Health.

Recommendation 261: Aboriginal Hospital Liaison Officers

Policy and Strategic Projects (DHS) advised the Review that the Aboriginal Hospital Liaison Officer Program began in Victoria in 1982 when hospital liaison officers were placed in hospitals where there was a significant Aboriginal population to ensure that Aboriginal and Torres Strait Islander people had equitable access to mainstream health care services and to increase the cultural awareness and sensitivity of the services to Aboriginal cultural issues.

The role of these officers has grown over the years to include working with other hospital staff in discharge planning for patients and ensuring appropriate support services are in place for after-hospital care, and raising awareness of patients and their families to the importance of continuity of care. The liaison officers are actively involved in ensuring Aboriginal participation in hospital programs and in the collection of hospital data on Indigenous patients.

Developing a new approach to Koori Hospital Liaison Services (December 2004) developed guidelines for a new approach to the Aboriginal Hospital Liaison Officer Program, based on the Framework for Review, an outcome of the Aboriginal and Torres Strait Islander Accreditation Project. The Report discusses the most appropriate means of structuring and managing the reformed Program.

The department also advised that the changes to the Aboriginal Hospital Liaison Officer Program that have occurred should ensure an expansion of the program to other hospitals and within existing hospitals, while the guideline development should impact positively at an organisational level within hospitals in terms of cultural understanding and sensitivity and acknowledgment of the role of these officers.

Improving Health Care for Aboriginal and Torres Strait Islander Patients program (ICAP), which commenced in July 2004, involves:

- Amalgamation of the formerly separate Koori Hospital Liaison Officer program funding and the 10 per cent Aboriginal Weighted Inlier Equivalent Separation (WIES) supplement into a single funding stream through WIES.
- An increase in the WIES supplement for patients identified as Aboriginal to 30 per cent.
- A focus on cultural change in health services leading to improved identification and health care for Aboriginal patients.

It is expected that greater numbers of Aboriginal patients will be identified by hospitals.

The newly created KHLO positions will be less focused on direct patient care and more on cultural changes in the hospital or health service.

Recommendation 262: Career structure of Aboriginal health workers

Policy and Strategic Projects (DHS) advised the Review that the need for a process for accredited training for Health Workers has been recognised. VACCHO has identified the need for formal health worker training and career development for Aboriginal health workers in Victoria. VACCHO, in conjunction with the Northern Metropolitan College of TAFE has developed an accredited training course and the first groups of Aboriginal Health Workers attended the accredited Aboriginal Health Worker Training Program in 2000.

Issues relating to Aboriginal Health Worker recognition and appropriate career structures will be addressed at the local level through the implementation of the strategies (Objective 2) in the *Aboriginal and Torres Strait Islander Health Workforce National Strategic Framework*.

Financial support was provided in 2004-05 to support attendance by Liaison Officers at the Aboriginal Health Worker Conference.

Recommendation 263: Non-compliance with advice from health professionals

Policy and Strategic Projects (DHS) advised the Review that Aboriginal Hospital Liaison Officers are involved in orientation programs at hospitals for new doctors and nurses. Cultural awareness training workshops facilitated by the Aboriginal Hospital Liaison Officer with local Aboriginal people are also conducted regularly for hospital staff. *Improving Health Care for Aboriginal and Torres Strait Islander Patients* will improve cultural competence.

In addition, DHS through the Koori Human Services Unit provides a segment on cultural awareness to hospitals and community health centres through training sessions to hospitals and community health centres, as part of its commitment to improve the quality of Indigenous data collected through mainstream data bases.

VACCHO has also conducted a series of cross cultural awareness programs in DHS Regions targeting health professionals in mainstream agencies.

The *Aboriginal and Torres Strait Islander Health Workforce National Strategic Framework* (May 2002) has identified (Objective 3) that cultural awareness programs should be included in specialist training for all health workforce groups working in Aboriginal and Torres Strait Islander health. The *Workforce Strategic Framework* will be implemented at the same state level through the implementation plans developed under the auspices of

VACKH. The implementation plans will set out actions and agreed timeframes for the strategies in the *Workforce Strategic Framework*.

The DHS *Aboriginal Services Plan* recognises that a culturally competent workforce that understands Aboriginal history, traditions and contemporary issues, and has skills in cross cultural communication, will be best placed to provide appropriate services.

Recommendation 264: Expansion of Aboriginal mental health services

Mental Health Branch (DHS) advised the Review that Koori Mental Health Services include Koori Health liaison positions established in all rural mental health services. The role of these positions include: providing a link between Koori Community Health Services and Area Mental Health Services; provision of support and information to Koori people who are clients of the Area Mental Health Service; advising and training staff of specialist mental health services on culturally sensitive practice; contributing to the development and review of protocols between Koori Community Controlled Health Services and Area Mental Health Services; and establishment of a Koori Liaison/Service Development position at the Royal Children's Hospital.

Major recommendations of the review of the Aboriginal Mental Health Network (Fitzroy), provided direction for the program shifting from a crisis support model to a home-based support model. This process allows for the provision of home-based outreach support to people with a mental health problem. The model of providing support within the home allows for a holistic approach to the provision of support which may include the family. Funding has been provided for an additional leadership position attached to the families program, Adult Mental Health Team Victorian Aboriginal Health Service (VAHS). The Victorian Aboriginal Mental Health Network is located at the VAHS, Fitzroy. This program is being relocated to Northcote due to overcrowding at the VAHS site in Fitzroy. Funding was provided by the Victorian Mental Health Branch for the relocation.

DHS advised the Review that Part (b) of this Recommendation is not relevant to DHS.

A significant and comprehensive Koori Mental Health Policy Project, *Purro Birik*, was undertaken in partnership between the VACCHO and the Victorian Mental Health Branch in 1999. The primary aim was to consult with Aboriginal communities and public mental health services, and propose strategies to improve mental health services to Aboriginal people in Victoria. The completion of the consultations with Koori communities resulted in the *Purro Birik Discussion Paper* and the *Purro Birik Strategic Plan*. A copy of the plan has been provided to the Review. The discussion paper made 14 recommendations which were grouped into four main categories: Workforce and Services Development issues; Local partnership agreement issues; Coordination and Planning issues; and Training issues.

The *Strategic Plan* for the development of Koori Social and Emotional Well-being related health services is directly linked to the recommendations contained in the *Purro Birik Discussion Paper*. The overall goal of the *Strategic Plan* is for community controlled health services to be able to provide directly, or where appropriate through partnerships with mainstream health services, holistic, high quality, well co-ordinated and accessible social, emotional and cultural well being services which effectively meet community needs. A summary of the objectives of the plan include:

- To establish an effective planning process between VACCHO, the Victorian Mental Health Branch (& possibly other DHS programs), and the Commonwealth OATSIH;
- To establish/strengthen effectively locally based partnerships between community controlled Koori Health Services and Public Mental Health Services;

- To establish/strengthen the capability within community controlled Koori Health Services to effectively assess community need, and develop and provide the quality programs necessary to meet the social, emotional and cultural wellbeing needs of communities;
- To support the establishment of a social, emotional and cultural wellbeing training program which will be highly accessible to Koori people and responsive to the needs of Koori communities;
- To support/strengthen the local delivery of cross cultural training programs for Public Mental Health Services;
- To support/strengthen with Koori Health Services a commitment to workforce development which includes professional supervision for staff, a clear framework for the setting of service delivery priorities, and regular access to training;
- To establish a state-wide Koori Mental Health policy or guidelines which promotes culturally appropriate good practice in the delivery of mental health services to Koori people; and
- To establish a plan which outlines priorities for establishing/strengthening relationships between Koori Health Services and other mainstream agencies who have a stake in providing social, emotional and cultural wellbeing support to Koori people (eg. Prison Health Services, Alcohol and Drug Services, Child and Family Services etc).

A number of initiatives have arisen out of the *Purro Birik* project including continuing support for the development of partnerships between mental health and Koori health services, improved access to services through the establishment of Koori Mental Health Liaison positions, and the promotion of culturally sensitive practice by mainstream services. The project is also continuing to promote the need for a comprehensive training program and stronger coordination between funding bodies on programs relating to social and emotional well being.

An evaluation of the implementation of the *Purro Birik Strategic Plan* commenced in November 2000, and a copy of the report has been provided to the Review.

Mental Health Branch (DHS) further advised the Review that:

- The process of modifying the Strategic Plan in line with the recommendations of the *Purro Birik Strategic Plan* Evaluation Report has commenced.
- The full time Koori Mental Health Project position at VACCHO has been involved in the commencement of the two remaining Koori Mental Health Liaison positions funded in 2004-2005. One of these positions has been allocated to the Grampians Region, the other to Barwon Region. In addition, VACCHO and the Mental Health Branch are continuing to monitor the operation of all Koori Mental Health Liaison Positions, seeking to improve their functioning
- The Royal Children's Hospital Koori Liaison/Support Development Position was filled for two years, vacant for eight months and has been filled for the last five months. The steering committee for this project continues to assist the development of this position and is seeking strategies to ensure ongoing retention of personnel recruited.
- The VAHS Adult Mental Health Team has been relocated to Northcote. The model of support has been further improved and is now called VAHS Family Counselling Service.

Recommendation 265: Mental health training and employment for Aboriginal mental health workers

Refer to **Mental Health Branch (DHS)** response to Recommendation 264 and Recommendation 266.

Mental Health Branch (DHS) advised the Review that VACCHO have developed the curriculum for the Commonwealth funded Regional Training Centre for Social and Emotional Wellbeing. This initiative had a strong complementary link to the *Purro Birik* project with a significant number of shared objectives.

The Victorian Mental Health Branch has increased funding to the Victorian Aboriginal Health Service Family Counselling Program (Mental Health) to include a new carer support position and a new service delivery coordinator position.

The VAHS Family Counselling Program (Mental Health) provides programs in adult mental health, carers and consumers support, home based outreach support, drug and alcohol services, adolescent mental health and Koori kids' mental health. There are approximately 16 staff working at the Family Counselling Service providing an integrated service to improve the social, emotional and spiritual wellbeing of the Aboriginal community.

Recommendation 266: Integration of mental health services with local and other support health services

Mental Health Branch (DHS) advised the Review of the establishment of 9.5 Koori Mental Health Liaison Positions. One position is located in each of the Rural Mental Health Service Areas. The role and location of these positions was determined by the Koori Community Controlled Health Organisations through negotiation with Area Mental Health Services. The role of these positions includes:

Providing a link between Koori Community Health Services and Area Mental Health Services;
The provision of support and information to Koori people who are clients of the Area Mental Health Service;

Advising and training staff of specialist mental health services on culturally sensitive practice; and

Contributing to the development and review of protocols between Koori Community Controlled Health Services and Area Mental Health Services.

Mental Health Branch (DHS) further advised that the seven of the 9.5 Koori Health Liaison Positions mentioned above are filled.

The VAHS Family Counselling Service has established a working partnership with Neami (Psychiatric Disability Support Service) in the delivery of VAHS Intensive Home Based Outreach Service.

A Koori Liaison/Service Development position has been established at the Royal Children's Hospital Mental Health service.

Recommendation 267: Remote medical diagnosis

Policy and Strategic Projects (DHS) advised the Review that this Recommendation is not applicable to Victoria.

Recommendation 268: Research into health concerns

Public Health (DHS) advised the Review that this Recommendation is not applicable to Victoria, and that it is relevant to the National Health and Medical Research Council (NH&MRC) activity.

Recommendation 269: Compliance with research ethics

Public Health (DHS) advised the Review that the Victorian Health Research Ethics Committee (HREC) draws the researchers' attention to the NH&MRC's Guidelines on Ethical Matters in Aboriginal and Torres Strait Islander Health Research for all projects specifically relating to research involving Aboriginal and Torres Strait Islander people.

DHS HREC has adopted the NH&MRC document *Values and Ethics: guidelines for ethical conduct in Aboriginal and Torres Strait Islander health research* in its review of health research involving Aboriginal people. HREC also alerts researchers to the document when their applications include Aboriginal people as potential participants.

Recommendation 270: Aboriginal involvement in improving health data

(a) That Aboriginal people be involved in each stage of the development of Aboriginal health statistics.

Policy and Strategic Projects (DHS) advised the Review that Aboriginal Hospital Liaison Officers have direct involvement in development of Aboriginal health statistics in Victoria. Information is provided to DHS by Aboriginal Hospital Liaison Officers and the reports are used as a valuable cross check on the recording of Aboriginality in mainstream data collection systems, such as those which are used for reporting hospital admissions, and births and deaths.

Aboriginal Hospital Liaison Officers also contribute to the reports of Aboriginal health statistics which are published as *Koori Health Counts* and distributed widely to the Aboriginal community.

DHS is also addressing this recommendation through the implementation of the *Koori Information Plan* project, which aims to improve the availability and quality of data provided by all DHS data collection systems in regard to the provision of health, community and housing services to Koori people. This initiative was established within DHS in response to the *Aboriginal and Torres Strait Islander Health Information Plan*, a report prepared for the Australian Health Ministers' Advisory Council, by the Australian Institute of Health and Welfare in conjunction with the ABS.

Aboriginal people are involved in the Koori Information Plan Steering Committee, which oversees the Koori Information Plan. Aboriginal health and wellbeing data is collected and published in the *Aboriginal Services Plan: Key Indicators Report*.

Six Aboriginal community controlled health organisations have been resourced by the Commonwealth Department of Health and Ageing to enable them to improve data collection methods. This will also assist community organisations in future planning.

However, the collection of quality and accurate data on Aboriginal identification is hindered by the difficulties experienced in mainstream organisations with no Aboriginal staff. Furthermore, Aboriginal community organisations also have difficulties in responding to requests for data by DHS because of lack of staff and resources.

DHS advised the Review that Part (b) of this Recommendation does not directly relate to DHS.

Recommendation 271: Implementation of the National Aboriginal Health Strategy

Policy and Strategic Projects (DHS) advised the Review that the *National Aboriginal Health Strategy* has now been replaced with the *National Strategic Framework for Aboriginal and Torres Strait Islander Health*.

The *National Strategic Framework for Aboriginal and Torres Strait Islander Health 2003 to 2013* has been released. This document replaced the *National Aboriginal Health Strategy*. The aims of the framework are to:

- Increase life expectancy to a level comparable with non-Indigenous Australians;
- Decrease mortality rates in the first year of life and decrease infant morbidity by reducing relative deprivation and improving wellbeing and quality of life;
- Decrease all causes of mortality rates across all ages;
- Strengthen the service infrastructure essential to improving access by Aboriginal and Torres Strait Islander peoples to health services and responding to:
 - Chronic disease, particularly cardiovascular disease, renal disease, diseases of the endocrine system, such as diabetes, respiratory disease and cancers;
 - Communicable disease, particularly infections in children and the elderly;
 - Sexually transmissible infections and blood-borne diseases, including hepatitis C;
 - Substance misuse, mental disorder, stress, trauma and suicide;
 - Injury and poisoning;
 - Family violence, including child abuse and sexual assault; and
 - Child and maternal health and male health.

Victoria has developed an Implementation Plan consistent with these priorities.

5.6.2 Community Responses

The Indigenous community did not have a great deal to say about its circumstances in terms of *general* health concerns even though, by a range of indicators, Indigenous Victorians are in poorer health than non-Indigenous Victorians. Yet the account given by one relatively young man, since deceased, of his heart condition epitomises the hugely disproportionate rate of cardiovascular disease among Aboriginal males in the 25-44 year old age group. There is also a marked difference in life expectancy between Indigenous and non-Indigenous Australians that so concerned the Royal Commission as well as on other health issues touching children and adults alike (see Volume 2 – Statistical Information).

The rate of perinatal mortality is markedly higher for babies born of Aboriginal mothers than for babies of non-Aboriginal mothers and has increased from 14.8 per 1,000 births in 1996-98 to 23.7 per 1,000 births in 2002.

There is a lower rate of immunisation of Aboriginal children especially in the younger age groups compared to non-Aboriginal children, which causes major health issues as they and their families are more likely to contract and be admitted to hospital for vaccine-preventable diseases.

Differences between Aboriginal and non-Aboriginal hospital admissions for children are more marked for very young children than for older children, and for Indigenous males than for Indigenous females.

There were also some complaints from community members about hospitals sending people home who subsequently turned out to be seriously ill, although there was no indication as to whether this was perceived as being a function of Aboriginality or how frequently this occurred. What clearly was, however, the perception of one respondent regarding cultural awareness, (the focus of Recommendation 247), was that:

The doctors and nurses who attend to our mob don't even have any cultural awareness training. They just don't even have the basic understanding of Koori issues (Metropolitan Melbourne).

In respect of Aboriginal Hospital Liaison Program (Recommendation 261):

The whole program appears to have totally changed in nature, in that the Koori officers can no longer do home visits or outreach work and are confined to the hospital. In fact, resources have been cut to the extent that they have lost their vehicle and have therefore no contact with the community. DHS did a review a few years ago ... (Regional Victoria).

The absence of prolific comment on general health issues is not surprising. Such commentary on rates of mortality, morbidity and specific illnesses would also not be easily elicited from general community groups as opposed to special health constituencies such as the aged, the disabled or parents of young children. So the relative silence of the Indigenous community on these broader health topics, at least as far as this Review is concerned, should not be misinterpreted as meaning there is no continuing problem of health disadvantage.

Such a false impression is more than countered by the stark health data set out in the statistical information in Volume 2. Nor should such silence be taken as indicating an absence of more specific health concerns. The community was quite vociferous on two particular health issues – alcohol and drugs, and mental illness.

The proportion of low birth weight Aboriginal babies in Victoria has increased from 11 per cent in 1996 to 15 per cent in 2002. For non-Aboriginal babies the proportion is stable at around 6-7 per cent.

While 98 per cent of all parents and their babies use the Maternal and Child Health Service, 87 per cent of Aboriginal parents do so.

Indigenous people reported lower levels of self-assessed health status as being excellent/very good than non-Indigenous people and a higher proportion of Indigenous than non-Indigenous people reported having a disability or long-term health condition.

Diabetes, renal failure, cardiovascular disease and respiratory disease are the most common chronic conditions for which Aboriginal people are admitted to hospital and among the most common causes of death.

These health issues are closely related in two ways. First, as health issues, both alcohol and drugs and mental illness, have a more immediate link to the question of over-representation in custody through their behavioural connotations and the reaction of authority thereto. Second, they can often be even more intimately connected in the form of dual diagnosis. This said, however, the Royal Commission saw the problem of alcohol and drugs as being serious and distinctive enough to warrant separate discussion, and this Review has accordingly devoted a separate section to that question (Section 5.7 – Alcohol and Other Substances). Community comment on alcohol and other substances will therefore be reserved for that section.

This leaves the significant issue of mental illness which, as already indicated, was a matter of considerable concern to those consulted in the course of the Review. While these concerns will in many instances be familiar to anyone acquainted with the broader field of mental illness in the general population, it must be remembered that here they are accentuated by the issue of Aboriginality. Not only may this influence patterns of interaction with health and other authorities in a number of ways, it can also entail a much higher risk of mental illness in the first place.

While there is continued underreporting of suicide in the Indigenous community and there are difficulties in recording Indigenous identity, in 2001 the ABS reported that for Victoria, 4.8 per cent of Indigenous deaths were attributed to suicide while for non-Indigenous it was 1.7 per cent.

Perhaps inevitably, the first major concern of the community was with the availability of services in relation to mental health. The following comments are self-explanatory:

We don't have enough here to address this increasing problem in our community. We need a youth component of mental health too because our youth are not being looked after properly (Regional Victoria).

[Regional Aboriginal Co-operative] has no funding for a mental health worker and it's obvious that we desperately need one. I'm not even aware if we have a mental health worker for the region. You could have an incident where you need a psych. nurse at 2.00am in the morning and the closest workers are about 1-2 hours away (Regional Victoria).

The Royal Commission talked about ensuring the provision of services to regional communities. That doesn't happen here. We have no services at all ... We have no psych services here. If someone freaks out and you're taken to the hospital, they just give you Panadol and send you home until the morning (Regional Victoria).

What about mental health programs? We don't have enough here to address this increasing problem in our community. There are always lots of services there to help you after you have committed a crime. There's nothing there to help you before you get to that point (Metropolitan Melbourne).

And in common with other mental health patients there was concern that, even when hospitalisation does occur, it seems to be subject to the familiar 'revolving door' syndrome:

I saw this Koori woman a few weeks ago ... she had a brain tumour, acquired brain injury, mental health issues, as well as legal issues ... She was eventually sent to Thomas Embling Hospital [Forensic Psychiatry] and was only there for two days (Metropolitan Melbourne).

There's one fella here who is fixated on killing his mother. He's scary and dangerous. All they do at the hospital is treat him and then release him back into the community (Metropolitan Melbourne).

Nor are the services in terms of follow-up after release or discharge perceived as adequate:

When our people are released from hospital there are no supports in place for them. They can go to the Victorian Aboriginal Health Service but they [VAHS] don't always know the full history of that person (Metropolitan Melbourne).

I've seen lots of people die because organisations, mainstream and Koori, don't follow through with our people. Service providers need to follow through better because it takes a lot of effort by the Koori to go and ask for help in the first place (Metropolitan Melbourne).

There are also problems with the zoning into DHS regions of mental health resources. [Koori Drug and Alcohol Centre] cannot use the local Crisis Assessment Team, if the person comes from outside the DHS region, and we have been known to wait up to three days for assistance for a suicidal person when help was needed within hours! Finally we called the police who can override any zoning requirement. The police however are not too pleased about being used as facilitators. When [Koori Alcohol and Drug Centre Worker] called the Office of the Health Services Commissioners to complain, she was told that the client had to make the complaint themselves but the client was in a psychotic state! (Metropolitan Melbourne).

In this situation of services perceived as deficient, Indigenous attitudes to the part played by the criminal justice system are quite ambivalent. On the one hand, some of those consulted shared the common view that the police are not properly equipped to deal with mental health problems:

Police are not trained to deal with mentally ill people. Then what happens is that they end up in jails. That's not even the right place for them (Metropolitan Melbourne).

Usually when these incidents occur it involves police intervention. They are the only back up we have. The police are not equipped to deal with these situations either (Regional Victoria).

Victoria Police won't call the Crisis Assessment Team when they really need to ... (Regional Victoria).

On the other hand there was, on occasion, a worryingly pragmatic appreciation that it was only the criminal justice system that, in the end, would lead to some help being available:

There are lots of services available to you after you have committed a crime. There's nothing there to help you before you get to that point (Indigenous male prisoner).

There was another time when my daughter stabbed her husband. It was only then that she was properly diagnosed, but she was charged and made to stand trial. After that she was sent to Thomas Embling Hospital (Regional Victoria).

Not that the psychiatric help available in prisons was universally seen as adequate:

I don't know how many are sitting here [prison] who have mental health illness. They shouldn't be here. I heard that Thomas Embling [Hospital] was good for people with those health issues ... They get support and medication when they're there and then there's nothing like that when they come here (Indigenous male prisoner).

The criminal justice system is becoming a holding place for people. It seems that it's the cheapest way of medicating and controlling people. They're not even properly medicated either. They're only given stuff to shut them up ... their mental health issues are not addressed while they are in the care of prisons (Regional Victoria).

Finally, to sum up the health and well-being situation of Indigenous Victorians, the stark contrast in the life expectancy and death rates says it all.

Indigenous life expectancy in Victoria is markedly lower than non-Indigenous life expectancy and indicates reduced well-being. The difference between Indigenous and non-Indigenous males in life expectancy is 20 years, and for females it is 17 years.

The Victorian Indigenous death rate in 2001 was 14.3 per 1,000 Indigenous males and 10.3 per 1000 Indigenous females, compared to the Victorian non-Indigenous rate of 6.9 for males and 4.4 for females.

5.6.3 Review Comments and Recommendations

As noted, little was specifically reported to the Review by Indigenous people about general health matters. Nor about suicide and self-harm, although it has been reported elsewhere (Capp, Deane and Lambert, 2001) that suicide rates are high in Indigenous communities and little statistical information or community comments came to the attention of the Review. The Review also notes that significant evidence that a substantial disparity still exists between the health and wellbeing of Indigenous and that of non-Indigenous people in Victoria and that in some respects this disparity is showing little sign of improvement over time.

Too often in the responses to the Review there was a cluster of interrelated problems for Indigenous people; emotional distress, medical ailments, substance abuse and situational stress which, if to be addressed, require more holistic service responses which are better attuned to understanding Indigenous people than are generally available. This has been the focus of a number of research reports (Henry et al, 2004; Holmes et al, 2002).

The Review commends the Department of Human Services for the clarity, frankness and overall quality of its responses in the area of Aboriginal health which constitutes a clear map of the initiatives currently underway or pending in relation to effecting improvement in Indigenous health and wellbeing in Victoria.

The Review nonetheless was of the view that, with regard to many, if not most of the responses given, additional information would be needed before a fair and objective assessment of progress on the ground could be made. Such information would include further data on resourcing of initiatives, implementation progress and impediments, the nature and extent of Indigenous participation or reaction and, project-specific outcomes (the latter preferably in the form of evaluation reports) and more about how the mental health services system operates in relation to Indigenous people.

The Review recognises that the gathering of data relevant to implementation progress would involve a further request for extensive information that, given the Review's time-frame, would be both unreasonable and unrealistic to make. Analysing such data is relevant to the Recommendations of the Royal Commission and foreshadows a recommendation of this Review about the need for an ongoing process for monitoring the implementation of the Recommendations. With regard to health and wellbeing, the conduct of such an ongoing monitoring process would be immeasurably assisted by the clear framework provided to this Review in the DHS responses.

There are several instances where Recommendations have been classified by DHS as not relevant or no longer relevant to Victoria as these relate to Commonwealth responsibility (Recommendations 248, 249, 257, 267, 268, 271). While acknowledging that this judgement may be technically correct in most cases, the Review does not agree that the intent lying behind the Recommendations in question is necessarily always irrelevant to Victoria. It would therefore envisage that in any monitoring process, such as that suggested above, serious reconsideration should be given to these exclusions.

The Review notes the progress being made in the collection of accurate and comprehensive information on Indigenous health programs and the difficulties being encountered in this respect (Recommendation 246).

The Review notes that Recommendation 247 relating to the training of health care staff has only been partially implemented, as a number of hospitals still have not put the requisite cultural awareness training programs in place.

The Review accepts that the institutionally specific focus of Recommendation 248 relating community controlled health services may no longer be appropriate as the Monash University unit no longer exists. It does not accept, however, that trying to learn in other ways about the philosophy and method of operation of Aboriginal community controlled health services is not relevant to Victoria.

The Review notes the progress being made to improve communication between mainstream and community-based Indigenous health care services (Recommendation 250). However, in March 2004, the Coroner drew the attention of the Review (and other relevant organisations) to an Indigenous death in Regional Victoria. While this death did not occur in custody, it raised the issue of progress on implementation of Recommendation 250. The Coroner highlighted in his findings:

... the problems associated with fragmented care and the shortcomings of patient information management ... Evidence that the concerns about the state of health of the local Aboriginal community were such that Aboriginal Health House was established, however the medical service it offered was clearly deficient. His [the doctor] evidence of not knowing where the patient records were kept, the unreliability of the records and the knowledge that at least some doctors, were seeing patients without the whole patient record before them as a matter of concern ... there was not the close monitoring or sharing of patient information that might have occurred.

... there were clear issues of patient confidentiality in regard to her records ... Where the deceased was well known to the different local clinics and suffered complex medical conditions including a life threatening drug allergy, every effort should have been made to develop an appropriate procedure for the provision of consent or an alert to ensure the sharing of that important information, particularly when she was seeing exactly the same doctor.

There was evidence of the difficult transitional period involving the computerisation of patient records at the different Clinics. It was apparent that there were deficiencies in the way information was transferred and there did not always appear to be a reliable (State Coroner Victoria, 2004, personal communication).

The Review notes that the arrangements to implement Recommendation 252 with regard to hospital casualty procedures are restricted by the limited number of Koori Hospital Liaison Officers in Victoria. It also notes that DHS acknowledges the need for further work in this area.

The establishment of a Koori room at one rural hospital as a response to Recommendation 253 on the physical design of suitable facilities for Aboriginal health services and the development of *Achieving Improved Aboriginal Health Outcomes* are noted. The Review observes that the extent of further provision of such facilities should be supported by DHS.

The Review notes the plans developed and the steps already taken by DHS for the involvement of Aboriginal people in meaningful decision-making with regard to the provision of health care to Aboriginal people (Recommendation 254). The statutory situation with regard to appointment to hospital boards is acknowledged.

The Review notes the DHS commitment to *Wur-cum barra* and the development of its Aboriginal Recruitment and Career Development Strategy in relation to Recommendation 256. The difficulties associated with implementation are also noted and it is assumed that the extent and rate of progress in this matter would be the subject of continuing attention under any monitoring process established as a consequence of this Review.

The Review does not agree that the extent of special initiatives in tertiary institutions to facilitate study and training for Aboriginal students is no longer of relevance in Victoria (Recommendation 257). At the very least, the success of such initiatives requires constant monitoring, and the degree to which the extent of such initiatives is satisfactory cannot be assumed.

The difficulties of augmenting Commonwealth funding for Aboriginal health services by providing support for focused initiatives from State funds are recognised (Recommendation 259). If, however, implementation of the Recommendations of the Royal Commission were to be accorded priority status in a whole-of-government approach, as the Review believes it should, then this status should flow through to the Estimates Review Committee process both at State and Commonwealth levels.

The Review commends DHS for the evaluation processes it has put in place with regard to the evaluation of Aboriginal community controlled health services. The outcomes of such evaluations would be of major interest to any monitoring system established as a consequence of this Review.

Plans to review the current location and number of Koori Hospital Liaison Officers in keeping with Recommendation 261 are noted. The outcomes of these initiatives would be of major interest to any monitoring system established as a consequence of this Review.

The Review supports the steps taken to ensure formal health worker training and career development for Aboriginal health workers in Victoria in accordance with Recommendation 262.

The Review notes the development of the Workforce Strategic Framework and the assumed connection between non-compliance and the absence of cultural awareness (Recommendation 263). It also notes that in common with other Recommendations involving this kind of cultural awareness training activity, implementation seems to be hampered by shortage of resources.

The Review notes the development, implementation and subsequent evaluation of the *Purro Birik* Strategic Plan in connection with Aboriginal mental health matters covered by Recommendations 264 and 265.

The Review notes the steps taken to achieve partial implementation of the Recommendation 266 for better integration or linkage between Aboriginal mental health services and other local health and support services.

The Review agrees that Aboriginal health problems in Victoria may rarely, if ever, occur in locations classifiable as 'remote' in terms of Recommendation 267. However, as in the case of mental illness, geographical distance can frequently still be an issue.

The Review agrees that Recommendation 268 referring to research into health concerns of Indigenous people is technically the concern of the National Health and Medical Research Council. DHS nonetheless funds Aboriginal focused health initiatives in its own right and this presumably is undertaken on an evidence-based approach. Such an approach necessitates

research if it is to be robust in terms of evidence. The Review therefore believes that there is a need for State initiated research on priorities identified by the relevant Aboriginal advisory bodies.

The Review notes the practice of drawing researchers' attention to the national ethical *Guidelines on Ethical Matters in Aboriginal and Torres Strait Islander Health Research* and the imminent revision of these. It is not clear from the response, however, whether compliance with those *Guidelines* is a condition of State Government research funding.

The Review notes the DHS initiatives being taken to involve Aboriginal people in the development of Aboriginal health statistics in accordance with Recommendation 270. It notes the difficulties being encountered as a result of lack of staff and resources in community organisations and because of the dearth of Aboriginal staff in mainstream services. Given the crucial threshold importance of developing reliable data bases for the formulation of policies and programs, it would be desirable to address these difficulties.

The Review notes the release of the *National Strategic Framework for Aboriginal and Torres Strait Islander Health 2003- 2013*. It also notes that under this *Framework*, each jurisdiction is required to develop and report on implementation plans consistent with identified priorities. These reports would be of major interest to any monitoring process established as a consequence of this Review.

Recommendation 20.

- That the Department of Human Services, in partnership with the Victorian Aboriginal Community Controlled Health Organisation:
 - (a) resolve questions of ownership with the Indigenous community (in relation to data collection and use) and resolve issues of Indigenous self-identification (Recommendation 246); and provide appropriate resources to Indigenous community organisations in respect of their role in the generation of data collection (Recommendation 270);
 - (b) reconsider the relevance of the learning process about the philosophy and methods of operation of the Aboriginal community controlled health services (Recommendation 248);
 - (c) monitor the Commonwealth funded pilot scheme for improvements to health information systems (Recommendation 250);
 - (d) increase the number of Koori Hospital Liaison Officers in areas of high Indigenous numbers to enable effective attendance and participation in hospital casualty procedures (Recommendation 252);
 - (e) implement a policy of appointing suitable Indigenous persons to boards of hospitals in areas with a significant Indigenous population (Recommendation 254);
 - (f) recognise the need for training of Aboriginal health care workers and ensure the provision of adequate resourcing of current initiatives be assessed in negotiation with VACCHO (Recommendation 257);
 - (g) provide resources to enable enhanced cross-cultural awareness training for health services staff, particularly for those working in areas of where there is a significant concentration of Aboriginal people, (Recommendation 263);
 - (h) report on its response to the recommendations of the *Purro Birik* evaluation and related mental health matters (Recommendation 265);
 - (i) evaluate the liaison arrangements between Aboriginal mental health services and other local health and support services so as to improve better integration and linkages. (Recommendation 266);
 - (j) accept that distance is an issue for Victorian Indigenous communities, particularly for persons in regional communities with a mental illness (Recommendation 267);
 - (k) accept the need for specific research into the health needs of Indigenous Victorians (Recommendation 268). Given the gap in life expectancy of Indigenous Victorians with that of other Victorians it is totally inconceivable that the Department would consider Indigenous health research specific to Victoria as not relevant;
 - (l) ensure that compliance with National Health and Medical Research Council Guidelines on Ethical Matters in Aboriginal and Torres Strait Islander Health Research is a condition of Victorian Government research funding (Recommendations 269 and 270); and
 - (m) provide a report on (a)-(l) to the Victorian Aboriginal Council on Koori Health (VACKH).
- That the Victorian Government continue to implement and monitor Recommendations 241, 246, 248, 250, 252, 254, 257, 263, 265-269 and 270 through any monitoring process established as a consequence of this Review.

5.7 Alcohol and Other Substances

Although the Royal Commission was at pains not to discount the damaging effects of substances such as petrol sniffing, its primary focus was on alcohol which it saw as particularly deleterious to the Indigenous community across Australia:

Alcohol is having a devastating effect on the Aboriginal people of Australia. From the urban areas of South-eastern Australia, where the greatest concentration of Aboriginal people are found, through the country towns and into the more remote areas of Australia, my fellow Commissioners and I have observed its impact at first hand. Sickness and death, violence and despair, exclusion from education and meaningful employment, families and communities in disarray; we have observed all of this and have heard many Aboriginal people, those most affected, attributing this tragic state to alcohol (Royal Commission, 1991b, Vol. 2, 15.2.1).

And just as alcohol was viewed by the Royal Commission as being implicated in these and other harmful outcomes, so its abuse was seen as an integral feature of the broader historical pattern of Aboriginal disempowerment:

In this chapter, perhaps more starkly than in some others, the issue of the relative powerlessness of Aboriginal people is very much to the fore. So much of their current situation vis-a-vis alcohol use can be understood in these terms. Dispossession from their lands, interference with kinship systems, destruction of economic resources, weakening of social control mechanisms: all are signs of disempowerment. Alcohol and other drugs do not play an essentially causal role in these processes; the causes are essentially political, economic and historical in nature. Alcohol [in particular] is involved, however, in the destructive downward spiral so often seen: the synergistic relationship between the disempowerment of Aboriginal people in general and self-destructive drinking behaviour reflecting the individual's response to, and expression of, this disempowerment (Royal Commission, 1991b, Vol. 2, 15.1.1).

The Royal Commission accordingly developed a series of Recommendations designed to address a range of alcohol and other substance related issues, including the exclusion of persons from hotels, and the enforcing of laws which make it an offence to serve intoxicated persons. In addition, these Recommendations address actions necessary to redress the problems of alcohol and other drugs and how they contribute to the over-representation of Aboriginal people in custody and their deaths there.

The Recommendations also proposed the establishment of a National Task Force to focus on alcohol, the involvement of Aboriginal people in the development, implementation, interpretation and application of research into alcohol use, and recognition of the inadequacy of single factor explanations of the causes of alcohol dependency and misuse. The Recommendations include measures to address negative stereotypes of people with drinking problems.

Further Recommendations address strategies and programs to prevent the development of harmful alcohol use, including early intervention and treatment initiatives. This also includes Recommendations addressing the legal obligations of the holders of liquor licences, appointment of community workers to inspect licensed premises, desirability of reducing the

number of licensed premises, changes to liquor legislation, trading hours, resourcing Aboriginal organisations to participate in liquor licensing determinations, the elimination of 'sly grogging', 'beer canteens', and Aboriginal involvement in media campaigns and health promotion strategies.

Other Recommendations in this cluster address the establishment of early intervention programs in hospitals and health centres with a high proportion of Aboriginal patients, the adoption of alcohol-free workplace policies, the employment of multi-purpose Aboriginal drug and alcohol workers, and the coordination of petrol sniffing policies, resources and programs.

The Commission made a number of key Recommendations about the need to decriminalise public drunkenness. This important and related issue is dealt with in Section 6.2 – Police.

The relevant Recommendations and the self-assessment status reports from the Victorian Government departments are set out in full below. It should be noted that for a number of Recommendations, implementation is primarily a Commonwealth responsibility. However, where the Victorian Government has taken action that contributes to the implementation it is reported here against those Recommendations.

They constitute the basis upon which the implementation status was determined. This material represents the reports on progress in addressing the Recommendations and is made available to the community through this Review. Community responses and the Review comments and recommendations follow.

5.7.1 Royal Commission Recommendations and Implementation Status

	Recommendation	Implementation status 2003
58	That Governments give consideration to amending the liquor laws to provide a right of appeal to persons excluded from a hotel where that exclusion or its continuation is harsh or unreasonable.	Fully implemented (LL-DOJ) Fully implemented (LP-DOJ)
59	That Police Services use every endeavour to police the provisions of Licensing Acts which make it an offence to serve intoxicated persons	Fully implemented (VicPol) Fully implemented (LL-DOJ)
63	That having regard to the desirability of Aboriginal people deciding for themselves what courses of action should be pursued to advance their well-being, the Aboriginal and Torres Strait Islander Commission consider, in the light of the implementation of the National Aboriginal Health Strategy, the establishment of a National Task Force to focus on: <ul style="list-style-type: none"> (a) The examination of the social and health problems which Aboriginal people experience as a consequence of alcohol use; (b) The assessment of the needs in this area and the means to fulfil these needs; and (c) The representation of Aboriginal Health Services and other medical resources in such a project. 	C'with responsibility
64	That Aboriginal people be involved at every level in the development, implementation and interpretation of research into the patterns, causes and consequences of Aboriginal alcohol use and in the application of the results of that research.	Partially implemented (DP&S-DHS)
65	That if Aboriginal people identify it as a priority (and the Aboriginal and Torres Strait Islander Commission is well placed to make such a judgement) the Ministerial Council on Drug	a) – e) Partially implemented

	Recommendation	Implementation status 2003
	<p>Strategy as the body which manages the National Campaign Against Drug Abuse, act to develop and implement, in conjunction with Aboriginal people and organisations, an ongoing program of data collection and research to fill the many gaps which exist in knowledge about Aboriginal alcohol and other drug use and the consequences of such use. Particular areas of need are:</p> <p>(a) information about alcohol consumption among urban Aboriginal groups;</p> <p>(b) information about alcohol consumption among Aboriginal youth;</p> <p>(c) longitudinal data in all areas;</p> <p>(d) an emphasis on good quality data utilising standard methodology and definitions; and</p> <p>(e) evaluation research which assists in developing improved Aboriginal prevention, intervention and treatment initiatives in the alcohol and other drugs field.</p>	(DP&S-DHS) Partially implemented (P&SP-DHS)
66	That if Aboriginal people identify it as a priority, organisations which support research into Aboriginal issues, including the National Campaign Against Drug Abuse (NCADA) and the Australian Institute of Aboriginal and Torres Strait Islander Studies, encourage more comprehensive and diverse research into the extent, causes and consequences of alcohol use among Aboriginal people. In particular, that appropriate steps be taken to ensure that the NCADA national research and training centres at the University of New South Wales, Curtin University and the Flinders University of South Australia establish mechanisms to encourage new graduates, researchers from other fields and Aboriginal people to conduct research in this area and identify research priorities and methods to implement them.	C'with responsibility
67	That the National Drug Abuse Data System of the National Campaign Against Drug Abuse institute a regular research program to establish baseline data and monitor changes over time in relation to the health, social and economic consequences of alcohol use among Aboriginal people.	C'with responsibility
68	That responsible authorities accurately identify Aboriginal people in administrative data sets such as those covering mortality, morbidity and other social indicators, where such action will provide basic information which will assist Aboriginal organisations to achieve their research and service development goals. While it is acknowledged that primary responsibility for the management of such data sets lies with the States and Territories, Commonwealth agencies such as Aboriginal and Torres Strait Islander Commission, the Australian Institute of Health and the Australian Institute of Criminology should be involved in this exercise in a coordinating role.	Fully implemented (DP&S-DHS)
69	That with the aim of assisting Aboriginal organisations to develop effective programs aimed at minimising the harm arising from alcohol and other drug use, priority be given by research funding bodies to research investigating the casual relationships between alcohol and other drugs, including their availability, and consequences on community well-being and criminal activity.	Partially implemented (DP&S-DHS)
70	That organisations developing policies and programs addressing Aboriginal alcohol issues: <p>(a) Recognise the inadequacy of single factor explanations (such as the disease model of problematic alcohol use) of the causes of alcohol dependence and misuse among individuals; and</p> <p>(b) Take into account the fact that multiple explanations are necessary to explain the causes of alcohol misuse and related problems at the community level. It is therefore inappropriate to focus too strongly on any one explanation to the exclusion of others.</p>	Fully implemented (DP&S-DHS)
71	That research funding bodies consider commissioning or otherwise sponsoring research investigating Aboriginal conceptualisation of the nature and causes of alcohol dependence and misuse and the prevention, intervention and treatment approaches which stem from these.	Partially implemented (DP&S-DHS)
255	That the holding of negative stereotypes of both Aboriginal people and people with drinking problems be addressed through effective staff selection and supervision, along with pre-service and in-service education, to reduce the ignorance, and through clear instructions by employing authorities that such stereotyping of Aboriginal people and those with drinking problems will not be tolerated in the health care setting.	Partially implemented (DP&S-DHS)
272	That governments review the level of resources allocated to the function of ensuring that the holders of liquor licences meet their legal obligations (in particular laws relating to serving intoxicated persons), and allocate additional resources if needed.	Fully implemented (LL-DOJ)
273	That consideration be given to legislating for the appointment of community workers who	Classified as no

	Recommendation	Implementation status 2003
	would have the power to inspect licensed premises to ensure that licensees comply with the applicable legislation and licence conditions.	longer relevant (LL-DOJ)
274	That governments consider whether there is too great an availability of liquor, including too many licensed premises, and the desirability of reducing the number of licensed premises in some localities, such as Alice Springs, where concentrations of Aboriginal people are found.	Fully implemented (LL-DOJ)
275	That the Northern Territory Government review its liquor legislation in the light of the size of the Aboriginal population of the Territory and its needs, and include in such a review the desirability of appointing at least one Aboriginal person to be a member of the Northern Territory Liquor Commission.	Classified as not relevant to Victoria
276	That consideration be given to the desirability of legislating to provide for a local option as to liquor sales trading hours, particularly in localities where there are high concentrations of Aboriginal people.	Fully implemented (LL-DOJ)
277	That legal provision be available in all jurisdictions to enable individuals, organisations and communities to object to the granting, renewal or continuance of liquor licences, and that Aboriginal organisations be provided with the resources to facilitate this.	Partially implemented (LL-DOJ)
278	That legislation and resources be available in all jurisdictions to enable communities which wish to do so to control effectively the availability of alcoholic beverages. The controls could cover such matters as whether liquor will be available at all, and if so, the types of beverages, quantities sold to individuals and hours of trading.	Fully implemented (LL-DOJ)
279	That the law be reviewed to strengthen provisions to eliminate the practices of 'sly grogging'.	Fully implemented (LL-DOJ)
280	That the Aboriginal and Torres Strait Islander Commission and other organisations be encouraged to provide resources to help Aboriginal communities identify and resolve difficulties in relation to the impact of beer canteens in the communities.	Classified as not relevant to Victoria
281	That Aboriginal communities that seek assistance in regulating the operation of beer canteens in their communities be provided with funds so as to enable effective regulation, especially where a range of social, entertainment and other community amenities are incorporated into the project.	Classified as not relevant to Victoria (LL-DOJ)
282	That media campaigns and other health promotion strategies targeted at Aboriginal people at the local and regional levels include Aboriginal involvement at all stages of development to ensure that the messages are appropriate.	Partially implemented (DP&S-DHS)
283	That the possibility of establishing early intervention programs in Aboriginal health services and in hospitals and community health centres with a high proportion of Aboriginal patients be investigated. This would include the training needs of staff in intervention techniques.	Partially implemented (DP&S-DHS)
284	That Aboriginal organisations consider adopting alcohol-free workplace policies and be encouraged and given support to develop employee assistance programs.	Partially implemented (DP&S-DHS)
285	That Aboriginal organisations and Councils (including the Aboriginal and Torres Strait Islander Commission) be encouraged to give consideration to the further implementation of programs to employ multipurpose Aboriginal drug and alcohol community workers, and that appropriate assistance is sought in the training of Aboriginal people to fill such roles.	Classified as no longer relevant to Victoria (DP&S-DHS)
286	That the Commonwealth Government, in conjunction with the States and Territories Governments and non-government agencies, act to coordinate more effectively the policies, resources and programs in the area of petrol sniffing.	Fully implemented (DP&S-DHS)
287	That the Commonwealth, States and Territories give higher priority to the provision of alcohol and other drug prevention, intervention and treatment programs for Aboriginal people which are functionally accessible to potential clients and are staffed by suitably trained workers, particularly Aboriginal workers. These programs should operate in a manner such that they result in greater empowerment of Aboriginal people, not higher levels of dependence on external funding bodies.	Fully implemented (DP&S-DHS)
288	That all workers, both Aboriginal and non-Aboriginal, involved in providing alcohol and other drug programs to Aboriginal people, receive adequate training. Priority training needs include: (a) Relevant cross-cultural awareness and communication training for non-Aboriginal workers such as health and welfare staff who provide services to Aboriginal people; and (b) Skills training for Aboriginal alcohol and other drug treatment workers, particularly those who have recovered from alcohol problems themselves but	a) Partially implemented and b) fully implemented (DP&S-DHS) (a) and (b) Partially implemented (LL-DOJ)

	Recommendation	Implementation status 2003
	have no formal training in the area.	

Government Responses on Implementation

Recommendation 58: Right of appeal for persons excluded from a hotel

Legal Policy (DOJ)²⁵ advised the Review that the position stated in the 1996-97 State Government response was that although an appeal was not provided in the *Liquor Control Act 1987* a person effectively had a right to complain by utilising processes under the *Equal Opportunity Act 1995*. This Act makes it unlawful to discriminate in the supply of goods and services on the grounds of sex, marital status or racial origin. In 2005 this remains the current position.

The intention of the Recommendation is that an appeal process exists. It is an advantage that this process is available under the Equal Opportunity Commission rather than the *Liquor Control Reform Act 1998* (the current Act) as the EOC will be able to provide expertise in dealing with issues of racial discrimination which is not the case through the Liquor Licensing.

Critical, however, to the implementation of this Recommendation is whether the available complaints process is accessible and effective and the extent to which the Victorian equal opportunity legislation is accessible to Aboriginal people as a complaint process. The EOC was unable to quantify the number of complaints lodged by Aboriginal people in these cases but was able to confirm that complaints had been lodged in the past. The Commission also advised that it operated an Indigenous Outreach Program and that the Commission (as well as other complaint handling bodies) was reviewing strategies to make their processes more inclusive and culturally relevant.

Access to legal advice/resources/services is also relevant to the implementation of this Recommendation.

Liquor Licensing (DOJ) advised the Review that the *Liquor Control Reform Act 1998* provides that a person who is drunk, violent or quarrelsome, must not refuse or fail to leave licensed premises if requested to do so by the licensee or an employee of the licensee or a member of the Victoria Police. Penalty for failing to leave as required is in excess of \$2,000 (20 penalty units).

The requirement to comply with the relevant provisions of the *Equal Opportunity Act 1995* when initiating action under these provisions is regularly reinforced to hoteliers by Liquor Licensing. In respect of licensees barring persons of their own volition, such action is subject to the provisions of the *Equal Opportunity Act 1995*.

In December 2004 the *Liquor Control Reform (Underage Age Drinking and Enhanced Enforcement) Act* was proclaimed. This Act made a range of amendments to the *Liquor Control Reform Act 1998* to help address underage drinking and to enhance the enforcement powers of Victoria Police.

These include a wide range of increased penalties for specified offences and an extension of those which can be enforced by means of infringement notice.

²⁵ Legal Policy has been restructured since this response was provided. The Business unit no longer exists. There are now two separate Business units, Criminal Law Policy and Civil Law Policy.

Recommendation 59: Serving intoxicated persons

Victoria Police advised the Review that it is an offence to serve intoxicated persons on licensed premises. Offences are regularly detected and offenders are charged.

Liquor Licensing (DOJ) advised that in the context of some 6,000 infringement notices issued each year only a few of the infringement notices issued to licensees throughout the State of Victoria would be for the offence of serving intoxicated persons.

In December 2004 the *Liquor Control Reform (Underage Age Drinking and Enhanced Enforcement) Act* was proclaimed. This Act made a range of amendments to the *Liquor Control Reform Act 1998* to help address underage drinking and to enhance the enforcement powers of Victoria Police. The penalty for supplying liquor to an intoxicated person increased to 60 penalty units (\$6,135). It is also an offence to procure or aid and abet a person to obtain liquor which carries penalties of 20 penalty units (\$2,045).

Recommendation 63: Establishment of a National Task Force on alcohol

Drugs Policy and Services (DHS) advised the Review that this Recommendation refers to the need for the ATSIIC to consider the establishment of a National Taskforce, and is therefore not relevant to DHS.

Liquor Licensing (DOJ) advised the Review that the Australasian Liquor Licensing Authorities have established a National Indigenous Working Party comprised of representatives from West Australia, South Australia, Northern Territory, Queensland and Victoria.

The working party was established to investigate issues related to the misuse of alcohol amongst Indigenous Communities. The working party meets once a year and reports annually to the Australasian Liquor Licensing Authorities Conference.

Recommendation 64: Aboriginal involvement in research on alcohol use

Drugs Policy and Services (DHS) advised the Review that Aboriginal people are generally consulted when research is to be conducted in their communities. DHS seeks Aboriginal and Torres Strait Islander (ATSI) input to all service development and review projects

DHS advised the Review that Aboriginal people have been involved in the following projects: Koori Drug and Alcohol Plan 2003-04 which responds to drug and alcohol issues in the Koori community was developed in response to priority areas recommended by the Koori Drug Strategy Advisory Committee. The committee includes members of the following Aboriginal organisations: ATSIIC Tumbukka Regional Council; VACCHO; Victorian Aboriginal Health Organisation; Ngwala Willumbong Cooperative; Rumbalara Aboriginal Cooperative; Gippsland and East Gippsland Aboriginal Co-operative; Central Gippsland Aboriginal Health Cooperative; and other community representatives.

The Indigenous division of SED Consulting was contracted to consult with the Victorian Koori community regarding the parameters for the Koori Youth Alcohol and Drug Healing Service. These consultations were state-wide and included peak Koori organisations, Koori Community Alcohol and Drug Workers and other community members. A steering committee has been established to advise on the service provision of the Koori Youth Alcohol and Drug Healing Service. The steering committee includes representatives from the following Aboriginal organisations: ATSIIC Tumbukka Regional Council; the VACCHO; Ngwala Willumbong Cooperative; Minanjalku Centre; Rumbalara Aboriginal Cooperative;

Ballarat Aboriginal Cooperative; Indigenous Land Corporation. Steering Group membership is regularly reviewed to ensure appropriate specialist advice and input into the development and implementation of the Healing Service. In October 2004, the Steering Group endorsed a Service Framework for the Healing Service.

This framework is based on the findings of a literature review and the state-wide Indigenous led consultations with the Koori community and stakeholders. A Capital Working Group has been formed from representatives of the Steering Group, to guide the capital aspects of site selection and the building of a facility for the Healing Service.

- The Premier's Drug Prevention Council has commissioned research to develop an understanding of the use of alcohol and drugs by young Indigenous women, pregnant women and young mothers; develop a training program for Victorian Indigenous health care providers on Foetal Alcohol Syndrome (FAS); and develop culturally appropriate resources for Victorian Indigenous communities to increase awareness of FAS. This work is being undertaken by the VACCHO, in a consortia comprising the Victorian Aboriginal Health Service; the Koori Health Research and Community Development Unit, University of Melbourne; Ngwala Willumbong; Dr Margaret Rowell (Paediatrician with experience working with Aboriginal people); Inez Carter (Cape York Health Council).
- The Premier's Drug Prevention Council has commissioned research on the barriers to the successful transition to Primary School for Koori Students, looking specifically at the factors contributing to the absenteeism and low literacy and numeracy rates; and the identification of strategies to address these issues with emphasis on building on existing initiatives. This work is being undertaken by the Victorian Aboriginal Education Association Incorporated, and is being supported by a reference group including key Koori agencies.
- The National Committee for the Review of Alcohol Advertising, for which Drugs Policy and Services provides the Secretariat, has commissioned research on the effects of alcohol advertising on Aboriginal and Torres Strait Islander youth. This research will include discussion and feedback from communities, and work with a local research partner to facilitate discussions with the community and to facilitate the research itself.

Recommendation 65: Data collection and research on alcohol use

Drug Policy and Services (DHS) advised the Review that:

Victoria is a member of the Inter-governmental Committee on Drugs, which reports to the Ministerial Council on Drug Strategy (MCDS). In July 2001 the MCDS endorsed the National Alcohol Strategy. The Strategy includes a focus on further research in issues relating to Aboriginal alcohol consumption. While the Ministerial Council on Drug Strategy has identified research into Aboriginal alcohol use as a key priority of National Alcohol Strategy, not all aspects of the Commission's Recommendation are addressed in that strategy.

The Victorian Government has been engaged in addressing some parts of these recommendations through improved data collections systems, through the Health Population Survey, the Alcohol and Drug Information System (ADIS) data collection system and the Premier's Drug Prevention Council. There is no identified 'difficulty' as such in implementing these recommendations, rather this type of research is carried out by a range of organisations and committees and is drawn on by the Drug Policy Branch of DHS to inform its.

Victoria collects data on whole of population (including those who identify as Aboriginal and Torres Strait Islander) alcohol consumption and other health related issues through the annual Victorian Population Health Survey of 7,500 Victorians (aged 18 years and over).

The Premier's Drug Prevention Council which was established as part of the Victorian Government Drug Initiative (VGDI) conducts a quarterly survey of 16-24 year olds on their use of licit and illicit drugs. The survey collects demographic details of participants including whether they identify as Aboriginal or Torres Strait Islander. Premier's Drug Prevention Council will now collect this data every three years rather than quarterly.

The Koori Human Services Unit of the Policy and Strategic Projects Division of DHS manages an ongoing initiative to improve the availability and quality of information provided by all DHS data collection systems on the recording of Aboriginal status. The initiative also aims to co-ordinate data collection and reporting to state and national collections on Aboriginal health and well-being status. This initiative is implemented through the Koori Information Plan Steering Committee and funded by all DHS divisions.

DHS collects, collates and reports on all data concerning Aboriginal people entering Victoria's Drug and Alcohol Treatment system. Reports are developed to analyse trends and shifts in Koori Alcohol and Drug treatment demand on a quarterly basis since 1996, in both Koori Alcohol & Drug Agencies and non-Koori Alcohol and Drug Agencies.

Victoria provides and participates in the National Minimum Data Collection on Alcohol and Drug Treatment annually, which covers Aboriginal populations.

Initiatives under the Koori Alcohol and Drug Plan 2003-04 funded by the Victorian Government Drug Initiative included a range of research, prevention and intervention initiatives in relation to alcohol and drug harm.

DHS has provided the Review with statistics regarding Aboriginal and Torres Strait Islanders receiving treatment over the period 2000-01 to 2002-03. DHS advised that 130 Aboriginal and Torres Strait Islander clients received care for an alcohol and drug problem on census day. This was 5.9 percent of the sample (total sample was 2213).

ADIS data for Aboriginal and Torres Strait Islanders accessing DHS funded alcohol and drug treatment services for 2003-04 was provided to the Review.

Please note that the data submitted is for "courses of treatment" which might include counselling, withdrawal, outreach etc.

It should be noted that most of the DHS funded Aboriginal Agencies do not submit data to ADIS, which is an ongoing problem that has not yet been resolved. Therefore ADIS statistics under-represent the number of Aboriginal and Torres Strait Islander clients that receive Alcohol and Drug (A&D) treatment.

Recommendation 66: Encouragement of research

Drugs and Policy Services (DHS) advised the Review that this Recommendation is not relevant to Victoria except that the Victorian Government supports the Recommendation.

Recommendation 67: Research into the health, social and economic consequences of alcohol use

This Recommendation was classified as not relevant to Victoria according to the Victorian Government 1996-97 Implementation Report.

Recommendation 68: Accurate identification of Aboriginal people in data sets

Drugs Policy and Services (DHS) advised the Review, that Indigenous Status has been recorded, at a State level, in the ADIS since before 1996. Indigenous Status is currently recorded at a National level through the National Minimum Data Set for Alcohol and Other Drug Treatment services, the first year of collection covering treatment in the 2000-01 year. However, the accurate reporting of Indigenous status relies on the clinicians asking the question: 'Are you of Aboriginal or Torres Strait Islander origin?' There is some reported reluctance by clinicians, on some occasions, to ask this question. There is also a reported reluctance by clients, on some occasions, to answer the question.

ADIS data for 2003-04 was provided to the Review.

Recommendation 69: Priority be given to research funding bodies

Drugs Policy and Services (DHS) advised the Review that research has been carried out in this area but it is not necessarily conducted in Victoria or by the Victorian Government. Recently conducted work includes: *Indigenous Australians who inject drugs: results from a Brisbane study* (Larson A, et al., 1999); *Substance use by Indigenous and non-Indigenous primary school students* (Dunne M.P., et al., 2000); and *Substance use and socio-demographic factors among Aboriginal and Torres Strait Islander school students in New South Wales* (Forero R, et al., 1999).

However, the study conducted by Larson et al (1999) was the first of its kind in Australia. She reported that there has been almost no research on the use of illicit drugs by Indigenous Australians.

Furthermore, the main impediment to this sort of research seems to be the small proportion of Indigenous people in the overall population. Research in this group is therefore more difficult and expensive.

National research will be commissioned to investigate the relationship between Aboriginal and Torres Strait Islander youth alcohol consumption and alcohol advertising as one of the priority areas of the National Committee for the Review of Alcohol Advertising.

The Premier's Drug Prevention Council has commenced research regarding the extent and the issues related to foetal alcohol syndrome. A reference group has been established (chaired by VACCHO); the literature review is being undertaken, and community consultations are being carried out.

Drugs Policy and Services (DHS) referred the Review to their response to Recommendation 64 regarding the Premier's Drug Prevention Council commissioning research regarding barriers to successful transition to primary school.

DHS provided the Review with the evaluation of the Koori Community Alcohol and Drug Resource Services (KCA&DRS) by Turning Point.

Recommendation 70: Recognition of the inadequacy of single factor explanations

Drugs Policy and Services (DHS) advised the Review, the key service requirements for the Koori Community Alcohol and Drug Worker program and the Koori Community Alcohol and Drug Resource Service operate from a harm minimisation framework that recognises that there are a number of factors that lead to alcohol and drug addiction. These programs

encourage the workers to conduct prevention activities, with families as well as broad treatment programs and community wide approaches.

A training program was offered to Koori alcohol and drug workers in 2001 and 2002 in Certificate III and IV in Community Services (Alcohol and Other Drugs). The scope of the program included material on drugs in the Australian context: harm minimisation issues, legal issues, and an overview of the factors that could lead to drug abuse. Additional training program also offered in Certificate 4 in 2003.

Drugs Policy and Services fund sixteen Koori Alcohol and Drug Workers who deliver alcohol and drug services to their communities. In addition to the Victorian Government Drug Initiative Workforce Development program to deliver accredited training for Koori Alcohol and Drug Workers in Certificates III and IV, DHS provides further training which includes advanced case management and counselling for complex clients. Advanced case management and counselling training will be completed by December 2005.

The KCA&DRS provide an alternative to incarceration for persons who are found to be intoxicated or drug-affected in public. The KCA&DRS operates from the basis of harm minimisation, which aims to reduce the harm associated with the use of alcohol and drugs. In addition, the Services provide the service user with options for after-care support, and in conjunction with the individual, refer to that support where appropriate. They also liaise and network with generalist health and welfare agencies to ensure continuity of care for service users through an appropriate referral process. Drugs Policy and Services fund seven of these services at different funding levels.

The Koori Youth Alcohol and Drug Healing Service will be established to work with Koori youth with drug and alcohol problems to assist them to recover from the substance abuse, reconnect with their families and communities and to develop life skills. The facility will be State-wide, ideally centrally located with access to health, education and other support services.

The Drugs Policy and Services Branch undertook State-wide consultation to determine service gaps and community needs in the development of an 'early intervention and drug prevention program for parents of young adolescents' specifically for the Victorian Indigenous community. The report on the findings of the Koori *About Better Communication About Drugs (ABCD)* was produced in April 2004. The Report identifies a range of factors impacting on Indigenous alcohol and drug use and identifies the elements that should be included in an early intervention program for parents. A Parent Education Program based on the findings of the report is being developed. DHS has provided the Review with a copy of this report.

Drugs Policy and Services (DHS) referred the Review to their response to Recommendation 282 regarding Koori *ABCD*.

Recommendation 71: Commissioning of research on Aboriginal conceptualisations of the nature and causes of alcohol dependence

Drugs Policy and Services (DHS) advised the Review that there has been research work at a national level on alcohol, smoking, and illicit drug usage rates for Indigenous populations. DHS routinely undertakes further quantitative analysis of Indigenous clients of alcohol and drug treatment services.

Research into the conceptualisation of the nature and causes of drug dependence and misuse and the prevention, intervention and treatment approaches which stem from such work has been conducted but not necessarily in Victoria or by the Victorian Government.

Research conducted includes: *Bringing communities together: breaking the petrol sniffing cycle* (Kenny, 2001) and *Kava in Arnhem Land: a review of consumption and its social correlate* (Clough et al., 2000).

The small proportion of Indigenous people in the general population and in the Victorian population in particular, and the diverse nature of Indigenous communities make this sort of research more difficult and expensive.

The Drugs Policy and Services Branch undertook a state-wide consultation to determine service gaps and community needs in the development of an 'early intervention and drug prevention program for parents of young adolescents' specifically for the Victorian Indigenous community. The report on findings of the Koori *ABCD* was produced in April 2004. The Report identifies a range of factors impacting on Indigenous alcohol and drug use and identifies the elements that should be included in an early intervention program for parents. A Parent Education Program based on the findings of the report is currently being developed by VACCHO and VACCA. DHS has provided a copy of the report to the Review.

As one of the terms of reference for the National Committee for the Review of Alcohol Advertising, research will be conducted with Aboriginal and Torres Strait Islander communities regarding the effects of alcohol advertising on Indigenous youth. DHS also referred the Review to their response to Recommendation 282.

The Premier's Drug Prevention Council undertook a prevention research project to identify innovative ways of working with young people at risk of developing problematic alcohol and drug use. One of the ten projects funded included young Kooris in its target group. The Goulburn Ovens Institute of TAFE was funded to provide support for at-risk young people to enrol in the TAFE Certificate I in engineering, with graduates then being linked to employers. DHS has provided the Review with an evaluation of this project.

The Premier's Drug Prevention Council undertook a prevention project working with ten communities across Victoria to identify alcohol and drug related issues and develop prevention projects to address the identified issues. In two of these there was an Indigenous focus. DHS has provided the Review with a copy of the final report.

In 2003 Drugs Policy and Services funded the Koori *About Inhalant Use* kit which was based on a South Australian inhalant kit developed in consultation with Aboriginal people. The text of the South Australian kit was modified for the Victorian Koori population by a committee made up of representatives from the Indigenous community. This was distributed to Aboriginal Community Controlled Health Organisations and Koori Alcohol and Drug Workers. Copies of the Koori Inhalant booklets have been provided to the Review.

Drugs Policy and Services (DHS) commissioned the Indigenous division of SED Consulting to conduct a literature review and statewide community consultations to investigate the scope and parameters of establishing the Victorian Koori Youth Alcohol and Drug Healing Service. The findings of this research identified the nature and causes of alcohol and drug misuse and addiction among Indigenous Australian's and best practice and critical success factors in addressing the needs of Koori youth experiencing substance abuse problems within a residential, spiritual healing program. Summary findings and recommendations from this research are provided in: Final Report, Department of Human Services, *Koori Youth Alcohol*

and Drug Healing Service Framework, October, 2004, Ingenuity SED Consulting. This report is available at:

<http://www.health.vic.gov.au/drugservices/pubs/kooritender.htm>

Recommendation 255: Negative stereotypes

Policy and Strategic Projects (DHS) advised the Review, that a cultural diversity workbook was developed for the use of all alcohol and drug services in 1998. All mainstream agencies were provided with a grant of \$10,000 to conduct a cultural audit and improve their agency's response to people from other cultural backgrounds including Indigenous cultural backgrounds. Koori alcohol and drug services were provided with a grant of \$15,000 to promote their services and develop or improve their linkages with mainstream alcohol and drug services.

Cultural Awareness and Respect training funded by all program divisions is currently being tendered by DHS Human Resources Branch, which will have places for both DHS and funded sector staff.

Recommendation 272: Review resources to ensure licensees meet legal obligations

Liquor Licensing (DOJ) advised the Review that Victoria's liquor laws which were significantly amended in 1998, are directed to the following objectives:

- (a) To contribute to minimising harm arising from the misuse or abuse of alcohol by:
 - i. providing adequate controls over the supply and consumption of liquor;
 - ii. ensuring as far as practicable that the supply of liquor contributes to, and does not detract from, the amenity of community life; and
 - iii. restricting the supply of certain alcoholic products.
- (b) To facilitate the development of a diversity of licensed facilities reflecting community expectations
- (c) To contribute to the responsible development of the liquor and licensed hospitality Industries.

The licensing process provides for the Director of Liquor Licensing to determine licence applications, including the imposition of licence conditions, with the Victoria Police responsible for the enforcement of liquor law. The simplification of the law and related offence provisions has provided for more targeted and timely interventions by Victoria Police. The establishment of over sixty community-based licensing forums across Victoria has facilitated dialogue between licensees, police, community and other stakeholders. The forums have also encouraged the pro-active development and implementation of local solutions to local problems.

The implementation of risk-based decision-making in licensing matters by both the Director and Victoria Police, including the introduction of targeted licence conditions to mitigate the risk of the abuse of alcohol or anti-social behaviour in and around licensed premises, has been a priority initiative.

Over 226,000 licensees, bar staff and hospitality students have undertaken Responsible Serving of Alcohol training since 1992.

A whole-of-government commitment has been effective in linking alcohol supply side initiatives through Liquor Licensing and the Victoria Police with the alcohol demand side agenda of the Department of Human Services and other government and non-government health and welfare agencies.

However, with over 15,500 licensed businesses in Victoria, and finite resources available to achieve compliance with liquor laws, enforcement is in the main reactive. Increased training for licensees and premises managers and participation in licensing forums seeks to proactively identify and address issues of concern and to promote effective self-regulation.

In May 2004 the Chief Commissioner of Police, Director of Liquor Licensing and the President of the Municipal Association of Victoria launched Guidelines for the establishment of Liquor Licensing Forums and Accords. These Guidelines are the first step towards developing state-wide guidelines for licensed premises and build on the existing accords which were in place. The guidelines encourage the development of a whole of community approach to managing and resolving issues in and around licensed premises.

In May 2004 the Director of Liquor Licensing approved William Angliss Institute of TAFE's *Licensees First Step* as a required course to ensure that applicants for liquor licences have a sufficient understanding of their legal obligations. The course covers the following topics – the legislative environment for liquor licensees; understanding your liquor licence; best practice in managing licensed premises, and responsible serving of alcohol.

Recommendation 273: Appointment of community workers with power to inspect licensed premises

Liquor Licensing (DOJ) advised the Review that with Victoria Police now having full responsibility for the enforcement of liquor law, it is not appropriate to have other than sworn officers responsible for identifying and addressing offences against liquor laws, including licence conditions.

Recommendation 274: Availability of liquor

Liquor Licensing (DOJ) advised the Review, that in October 2002 the Minister directed the Coordinating Council on the Control of Liquor Abuse, a statutory council established pursuant to the *Liquor Control Reform Act 1998*, that the Council assess and report on, including provision of any relevant recommendations, any impact that a concentration of packaged liquor licences operating in any area in Victoria is having on the level of misuse and abuse of alcohol in that community. Particular regard should be given to the following:

- Does available evidence indicate that any such concentration in respect of packaged liquor licences leads to the irresponsible sale of liquor?
- Does available evidence indicate that a certain number of packaged liquor licences in relation to the population of an area can constitute a saturation of such licences in that area?

The Council did not report on the reference which was provided to it. In December 2004 the *Liquor Control Reform [Underage Age Drinking and Enhanced Enforcement] Act* was proclaimed. This Act changed the name and the structure of the Council and provided for the Minister to establish a Liquor Control Advisory Council. Consideration will be given to providing a new reference to the Council.

Recommendation 275: Northern Territory liquor legislation

This Recommendation was classified as not relevant to Victoria according to the Victorian Government 1996-97 Implementation Report.

Recommendation 276: Liquor sales trading hours

Liquor Licensing (DOJ) advised the Review that consideration was given to 'local option' provisions in the context of the review of the then *Liquor Control Act 1987* against National Competition Policy. No additional 'local option' provisions were legislated in response to that review. All applications for new licences and the extension of existing trading hours are subject to objection by any affected member of the public on amenity grounds. A definition of 'amenity' was included in the *Liquor Control Reform Act 1998*.

The Act provides that any person could object against the grant, variation or relocation of a packaged liquor licence on the grounds that the approval of the application would contribute to the misuse or abuse of alcohol.

Recommendation 277: Provision of resources to Aboriginal organisations to object the granting, renewal of liquor licenses

Liquor Licensing (DOJ) advised the Review that no specific resources are provided to Indigenous communities to facilitate objections against the grant, variation or relocation of a packaged liquor licence on the grounds that the approval of the application would contribute to the misuse or abuse of alcohol.

All applications for new licences and the extension of existing trading hours are subject to objection by any affected member of the public on amenity grounds. A definition of 'amenity' was included in the *Liquor Control Reform Act 1998* in 2002.

Recommendation 278: Legislation and resources to assist communities

Liquor Licensing (DOJ) advised the Review that the primary objective of the *Liquor Control Reform Act 1998* is to contribute to minimising the harm arising from the misuse or abuse of alcohol by providing adequate controls over the supply and consumption of liquor ensuring as far as possible that the supply of liquor contributes to, and does not detract from the amenity of community life, and restricting the supply of certain alcoholic products.

Fundamental to that objective are the rights afforded to the community to object against licence applications and otherwise bring its views on such matters to the attention of the Director of Liquor Licensing. Objections may be lodged by members of the community against applications for the grant, variation or relocation of licences.

The Victorian liquor licensing scheme provides for parties opposing the grant of a licence application to appear before the Liquor Licensing Panel to make out their case. The Panel provides a recommendation to the Director of Liquor Licensing as to whether or not the application should be granted. Having regard to the requirements of the Act, all licensing determinations are made by the Director, with all such decisions appealable to the Victorian Civil and Administrative Tribunal.

In determining a licence application the Director is required to be satisfied that:

- The applicant is a suitable person to carry on a business under a licence;
- The grant of the application will not be conducive to or encourage the misuse or abuse of alcohol;

- The grant of the application will not detract from or be detrimental to the amenity of the area in which the business to be licensed is situated; and
- The application has been made, displayed and advertised in accord with the Act.

Amendments to the Act in 2002 provide that regulations may be made to prohibit the sale of alcoholic products determined by the Minister not to be in the community interest.

Recommendation 279: Elimination of 'sly grogging'

Liquor Licensing (DOJ) advised the Review, the *Liquor Control Reform Act 1998* provides that the sale of liquor without a licence is an offence.

In December 2004 the *Liquor Control Reform (Underage Age Drinking and Enhanced Enforcement) Act* was proclaimed. This Act increased penalties for a number of offences including the sale of liquor without a licence. This is an offence carrying a maximum fine of \$12,270 or 12 months imprisonment.

There is currently no evidence of 'sly grogging' occurring in Victoria.

Recommendation 280: Impact of 'Beer canteens'

This Recommendation was classified as not relevant to Victoria according to the Victorian Government 1996-97 Implementation Report.

Recommendation 281: Operation of 'Beer canteens'

Liquor Licensing (DOJ) advised the Review that licensed beer canteens as envisaged by the Royal Commission do not operate in Victoria.

Recommendation 282: Aboriginal involvement in media campaigns and health promotion strategies

Drug Policy and Services (DHS) advised the Review Drug Policy and Services (DHS) advised the Review that the programs developed and described below are designed to include Aboriginal involvement at all stages of development in order to ensure that the messages are culturally appropriate and will lead to the desired outcomes.

Health promotion strategies funded by the Drugs Policy and Services Branch understand that the quality of experience, skills and training of Koorie workers is crucial in providing appropriate health promotion to their community. The health promotion initiatives have aimed to involve Aboriginal community input as has the Aboriginal Drugs Strategy and the other initiatives.

Aboriginal involvement in media campaigns and health promotion strategies include:

- Koori Community Alcohol Resource Services provide harm minimisation activities including health promotion, information, referral and sobering-up centres through funding to Aboriginal organisations. Approximately seven of these are funded by DPS;
- Koori Community Alcohol and Drug Workers provide harm minimisation activities, health promotion, information, linkages and referral. There are approximately 16 of these workers funded by DPS through Aboriginal organisations and some mainstream organisations;
- The Koori Drug and Alcohol Plan 2003-04 which seeks to address the Koori community priority areas identified within the Aboriginal Services Plan from an alcohol and drug treatment, prevention and early intervention perspective was developed in consultation

with the Koori Drug Strategy Advisory Committee (KDSAC). The committee consists of members from peak Aboriginal organisations and relevant government departments. The KDSAC will continue to inform future drug and alcohol strategy;

- The Drugs Policy and Services Branch funded the VACCHO \$80,000 to develop a range of information materials and resources for the Indigenous community on specific drugs. VACCHO produced a range of posters and facts sheets on drugs including: tobacco, alcohol, inhalants, speed, yarrndi and heroin. These have been distributed to agencies and services across the State;
- The Drugs Policy and Service Branch has produced resources *About Inhalant Abuse* designed for use in the Indigenous Victorian Community. The materials have been adapted from a kit produced in South Australia, but made relevant to Victoria. A committee made up of representatives from the Indigenous community oversaw the development of the resources, which have been distributed to drug and alcohol agencies across Victoria (a copy of this kit has been provided by DHS);
- Suicide Prevention Strategy is located at Rumbalara and state-wide through VACCHO. Substance abuse is often related to suicide; and
- The Victorian Government Illicit Drug Community Awareness and Advertising Campaign was a strategy targeted to young people in general also included drug awareness information targeted to the Koori community. A copy of the Victorian Government Illicit Drug Campaign Koori targeted advertisement published in the Koori Mail has been provided to the Review. The campaign promoted awareness on the harmful effects of cannabis (yarrndi) and heroin to Koori audiences, and promoted access to Directline telephone drug and alcohol counselling service. This campaign also included a Koori radio component.

DHS advised that recruitment of appropriately qualified program personnel can be a problem, a high level of staff turnover is seen in some areas (this disadvantages an established program when the knowledge of local community dynamics is lost), and sustainable health programs (i.e. tobacco) are important if the rates of smoking, for example in Koori communities are going to decrease.

The Koori *ABCD* project has involved the development of a parent education program designed for use within the Victorian Indigenous community. The program is an early intervention, drug prevention program designed for carers of young Indigenous adolescents. The program has been developed by and with the Victorian Indigenous community, and has recently been renamed the *Koorie Families And young fella Connecting and Sharing (FACES) Program*. The program includes the recruitment and training of Indigenous facilitators to enable regional Aboriginal services to be able to adapt and deliver the program to local communities, across the state. The program has an emphasis on Aboriginal cultural parenting practices, and will be promoted by and with key stakeholders and Koori organisations statewide. On the findings of the Koori *ABCD* project report has been provided to the Review.

The Premier's Drug Prevention Council has provided funding for the development of a training program for Victorian Indigenous health care providers on Foetal Alcohol Syndrome (FAS), and the development of culturally appropriate resources for Victorian Indigenous communities to increase awareness of FAS.

Recommendation 283: Early intervention programs in hospitals and centres with a high proportion of Aboriginal patients

Drugs Policy and Services (DHS) advised the Review that an Early Intervention for Young People with Alcohol and Drug problems research project was conducted in 2001-2002

by a consortium of Centre for Youth Studies – The Australian Drug Foundation, Turning Point Alcohol and Drug Centre and the Centre for Adolescent Health. Representation from community-based Aboriginal Alcohol and Drug Resource Centres and Aboriginal Alcohol and Drug Resource Workers contributed to the Working Party for this project. The project identified case studies of effective early interventions programs in Victoria that addressed alcohol and drug misuse amongst young people. No Koori-specific programs were identified in this process.

The final report is yet to be published but it is anticipated the report will make recommendations for both an early intervention checklist to be utilised in any intervention or interaction between an Alcohol and Drug worker and a young person who is misusing alcohol and or drugs, and a broad template with key questions to be addressed prior to developing/scoping research projects addressing alcohol and drug misuse in the community. These recommendations will have application to Aboriginal populations.

The Victorian Government is currently investigating the benefits of alcohol and drug 'brief interventions' and is developing clinical guidelines for training all alcohol and drug and other health practitioners in the use of such interventions with consideration of early intervention activities and programs. Evidence indicates success of a brief intervention for problematic alcohol use.

A number of Koori alcohol and drug agencies currently incorporate an early intervention model of service delivery eg Rumbalara Football Club.

The Premier's Drug Prevention Council funded demonstration projects targeting young people at risk of developing problematic alcohol and drug use. One of these included young Koories in its target group. The Goulburn Ovens Institute of TAFE has been funded to provide support for at-risk young people to enrol in the TAFE Certificate I in Engineering, with graduates then being linked to employers. The evaluation of this report has been provided to the Review.

Recommendation 284: Alcohol-free workplace policies and employee assistance programs

Drugs Policy and Services (DHS) advised the Review that the Victorian *Alcohol Strategy: Stage One* report identified the workplace as an environment where alcohol is commonly misused. It outlined a number of industries in which alcohol was misused, indicating that between 20 and 30 per cent of males and 11 and 30 per cent of females drink in excess of the recommended guidelines.

In collaboration with WorkSafe Victoria, industry and employee groups, materials will be developed to address issues of alcohol misuse in the workplace. The aim of the initiative is to assist employers and employees to manage alcohol use in the workplace, and inform them of a range of issues around alcohol.

Recommendation 285: Employment and training of Aboriginal drug and alcohol community workers

Drug Policy and Services (DHS) advised the Review that Recommendation 285 is no longer relevant to Victoria as Aboriginal Co-operatives employ primarily Indigenous workers to provide A&D treatment services for Aboriginal communities. The Drugs Policy and Services Branch of the DHS has assisted the development of skills and careers of these workers by providing a training program in Certificate III and IV in Community Services (Alcohol and Other Drugs) specifically for the Aboriginal A&D workers. A total of fifty-eight accredited training awards were given to 44 workers (for example, some obtained more

than one certificate). A number of the graduates are community workers within the Aboriginal Co-operatives who have been encouraged by the management of the Co-operative to undertake the training offered. This training program has been successful and received an award for Innovative Service Delivery in the 2001 Community Services Industry Training Awards.

The program has successfully provided training to the Aboriginal Alcohol and Drug Workers. This is due in large part to the provision of the training using flexible delivery methods which were culturally appropriate to the needs of these workers. The co-delivery of the training by Swinburne University of Technology and Ngwala Willumbong Limited was a key success factor as was the delivery of the training at four sites across the State, making it accessible to participants. The number of Aboriginal Alcohol and Drug workers who have undertaken this course is testament to the accessibility, flexibility and cultural relevance of the course.

As a result of the training program from 2001 to 2003, 44 Aboriginal A&D have successfully completed accredited training. 18 have obtained the Certificate III in Community Services (Alcohol and Other Drugs), 25 have obtained the Certificate IV in Community Services (Alcohol and Other Drugs) and one worker has achieved the Diploma in Community Services (Alcohol and Other Drugs). In 2003, seven participants in the training program obtained the Certificate IV in Community Services (Alcohol and Other Drugs).

Workforce development for 2004 includes the delivery of accredited training in advanced case management and advanced counselling for Aboriginal A&D workers; the development of an induction program for new A&D workers; the establishment of three Indigenous Training and Recruitment Initiatives Program (INTRAIN) scholarships for undergraduates in addiction studies to encourage skilled and qualified Aboriginal people to enter the alcohol and drug workforce; and the delivery of an orientation training program on the National Institute of Clinical Studies (NICS) Drug Diversion Initiative.

Drugs Policy and Services (DHS) advised the Review that:

- In 2004 25 Aboriginal workers participated in the case management and counselling units of Certificate IV level with 17 workers completing the accredited training course;
- In 2004-05 a training program introducing Aboriginal Cooperatives to the Drug Diversion Initiatives was developed and delivered;
- In 2004 an induction manual for Aboriginal AOD workers has been developed;
- In 2004 two Aboriginal fulltime students were awarded Indigenous Training and Recruitment Initiatives Program scholarships. They will complete their studies at the end of 2005.

Recommendation 286: Petrol sniffing coordinated policies and resources

Drug Policy and Services (DHS) advised the Review that the Victorian Government in partnership with the Koori community established a working group to tackle the issue of solvent abuse among young Koori people in September 2001. The aim of the Working Group was to develop and implement short-term strategies to address the immediate needs of the Koori Community with regards to inhalant abuse. The committee made a number of recommendations to the Victorian Inquiry into the Inhalation of Volatile Substances, initiated the Koori Solvent Resource, and through its networks, contributed to the establishment of the Aboriginal Drug Strategy.

A resource for Koori communities to deal with volatile solvent abuse has been prepared through the Koori Solvent Abuse Working Group. The Victorian Kit is based on a South

Australian kit *Petrol Sniffing and Other Solvents*. It includes Victorian specific illustrations and text, including incorporating the DHS *Management Response to Inhalant Use – Guidelines*. The Kit has been delivered to Koori Alcohol and Drug workers.

Training at VACCHO in the use of the South Australian kit *Petrol Sniffing and Other Solvents* has been delivered to all Victorian Koori Alcohol and Drug Workers.

The *Management Response to Inhalant Use – Guidelines* for the Community Care and Drug and Alcohol sector (developed by Turning Point Alcohol and Drug Centre) aim to assist workers in a variety of settings to manage people who use inhalants. The two key audiences are out-of-home care services and alcohol and drug treatment services. The Guidelines have particular references to working with Koori clients.

The Department advised that the inhalation of paint and other fumes, commonly known as chroming, is a far more prevalent form of Volatile Substance Abuse (VSA) than is petrol sniffing in Victoria. Efforts have therefore been concentrated on resourcing treatment and prevention programs for chroming

The Victorian Parliamentary Drugs and Crime Prevention Committee *Inquiry into the Inhalation of Volatile Substances* made the following comments and specific recommendations:

- That specific culturally appropriate training and resources on solvent abuse issues be provided to Indigenous alcohol and drug workers;
- Indigenous specific holistic healing centres be funded to adequately cater for the specific cultural needs of Indigenous communities with regard to substance abuse issues;
- In particular, the Committee recommends the urgent establishment of a holistic healing centre that specifically addresses the needs of and is established for Indigenous young people;
- The Committee recommends that the development and funding of Aboriginal and Torres Strait Islander specific leisure facilities, including youth, sport and recreational clubs and programs, be extended in order to provide structured activities that will engage young people, enhance their self-esteem, promote Indigenous culture and tradition and develop a sense of community.

Programs have been implemented that have an impact on the incidence of chroming in general and that include but are not specifically targeted at Koori communities. These include a state funded Retailers' Kit, that has been prepared in a collaborative approach between Government and retailers to assist in preventing solvent abuse by helping retailers sell solvents responsibly, and that sets out legal rights and responsibilities. The Retailers Kit contains:

- Guidelines for the responsible sale of solvents;
- Frequently Asked Questions (FAQ) about solvent abuse;
- How to respond to customers wanting to purchase solvents;
- Flowchart for responding to customers;
- Point of sale sticker – to remind staff about responsible solvent sales;
- Sticker to indicate your support for responsible sale of solvents (for front door of store);
- Poster to display your legal responsibilities.

The Kit reflects the current issues facing staff when selling solvents. The Kit has been requested by and distributed to over 3000 retailers in Victoria.

At the August 2003 meeting of the MCDS the Victorian Minister for Health proposed the development of a national approach to inhalant abuse, including the establishment of a national committee on inhalant abuse. This was endorsed by the MCDS at that meeting. As a result, a National Inhalant Abuse Taskforce (NIAT) has been established. The Taskforce is chaired by Victoria and includes representatives of a number of Commonwealth and State departments as well as the Central Australian Cross Border Reference Group on Volatile Substance Use, National Drug and Alcohol Research Centre and the Australian National Council on Drugs. NIAT is currently preparing a Draft Discussion Paper setting out its preliminary thinking in relation to a national response to inhalant abuse. The Draft Discussion Paper will be circulated to key indigenous and non-indigenous stakeholders for comment. This feedback will inform the development of a final report to the MCDS in November 2005.

DHS advised that Rose (2001) comments that volatile substance abuse in Aboriginal communities and among Aboriginal young people differs from non-Aboriginal communities: *by way of cultural heritage, patterns of use and some intervention strategies as compared with non-Aboriginal communities*. Rose (2001) argues further that differences in inhalation practices and culture apply to Aboriginal people in the cities, large rural towns, small rural centres and remote outback communities. Such differences include the: degree of community cohesion; local traditions, customs and degree of cultural (identification); number of those engaged in VSA; local methods and types of volatile substances abused; access to resources and supports; and other local factors. This observation should be reflected in all programs targeted in this area.

Recommendation 287: Greater priority to programs accessible to clients and that operate to provide greater empowerment to Aboriginal people

Drug Policy and Services (DHS) advised the Review, that it funds a number of programs to address the abuse of alcohol, drugs and other substances in Aboriginal communities. Eleven Aboriginal Co-operatives and two mainstream organisations are funded to provide the Koori Community Alcohol and Drug Worker program. Seven Aboriginal Co-operatives receive funding to operate a Koori Community Alcohol and Drug Resource Service.

The Victorian Government also committed \$2 million in capital to build a Koori Residential Rehabilitation Program for Koori Youth. The 2003–04 State Budget identified \$800,000 recurrent for the operation of this program. Community consultation on the objectives and program design for this service undertaken in 2003 has been completed and Service Framework based on consultation findings endorsed (see Recommendation 64, regarding the Service Framework for the Healing Service).

Drugs Policy and Services funds the following programs which address alcohol and drug issues in Aboriginal communities:

- Koori Community Alcohol and Drug Worker development including: Koori Drug and Alcohol Workers; Counselling, Consultancy and Community Care Workers; Koori Home-based Withdrawal Workers; and Koori Youth Workers;
- Koori Alcohol and Drug Resource Centres;
- Koori Drug Education Programs and Initiatives;
- Koori Prevention Initiatives – strengthening Koori communities through prevention initiatives;

- Koori Workforce Development.

The *Koori Drug and Alcohol Plan 2003-04* was developed in consultation with the Koori Drug Strategy Advisory Committee and includes the following projects and programs which have been developed by or in consultation with Aboriginal communities and peak bodies:

- Koori solvent abuse initiatives;
- Koori alcohol and drug workforce development;
- Capital works funding for the Koori Community Alcohol and Drug Resource Centres;
- Koori Youth Alcohol and Drug Healing Service;
- Tobacco projects;
- Education resources on alcohol and other drugs;
- Families And young fella Connecting & Sharing (FACES);
- Research regarding barriers to successful transition to primary school;
- Foetal alcohol syndrome research project.

A copy of the *Koori Drug and Alcohol Plan 2003-04* has been provided to the Review.

Available capital funding for the Koori Youth Alcohol and Drug Healing Service is \$1.5 million from the Victorian State Government and \$1 million from the Alcohol Education and Rehabilitation Foundation (AERF). Additionally, the ILC have offered in-principle support to supply or acquire land suitable for the Healing Service. Available recurrent funding is approximately \$1 million.

Recommendation 288: Training

Drugs Policy and Services (DHS) advised the Review that it has funded a training program for Koori alcohol and drug workers in 2001 and 2002 in Certificate III and IV in Community Services (Alcohol and Other Drugs). This program was very successful and has received an award for Innovative Service Delivery at the 2001 Community Services Industry Training Award. In 2001 twenty-seven Koori A&D workers completed the program. Twenty-one Koori A&D workers are expected to graduate from this training program in 2002. The graduates will attain a Certificate from Swinburne University of Technology which will enable them to undertake further studies to develop their careers if they wish. Many of these graduates have had little previous experience of formal training.

The success of the training program is due largely to the flexible delivery methods which were culturally appropriate to the needs of these workers. The trainers also took into account the workers' different levels of literacy and their often limited experience with presenting written work. The co-delivery of the training by Swinburne University of Technology and Aboriginal trainers from Ngwala Willumbong Limited was another key success factor as was the venue for the delivery of the training in Aboriginal Co-operatives in four sites across the State, making it accessible to participants. The number of Aboriginal Alcohol and Drug workers who have undertaken this course and the retention rate proved the accessibility, flexibility and cultural relevance of the course.

As noted above for Recommendation 255, Drugs Policy and Services is planning to offer professional development training sessions in 2004-05 for mainstream A&D service providers to work appropriately with Koori clients particularly in providing non-specific Koori A&D services such as withdrawal, resident rehabilitation, etc, as part of a workforce development strategy.

Drugs Policy and Services is committed to the provision of accredited training to the Aboriginal A&D workforce and is continuing to provide culturally appropriate accredited training. In 2004, accredited training in advanced case management and advanced counselling skills was delivered to this sector by Swinburne University of Technology in collaboration with Ngwala Willumbong, Moreland Hall and Young Substance Abuse Service (YSAS). In 2004 the accredited training in advanced case management and advanced counselling was completed with 17 workers successfully completing the training.

Drugs Policy and Services (DHS) referred the Review to its response to Recommendation 285 for new developments.

Liquor Licensing (DOJ) advised the Review that in 2004 the Consumer Affairs Victoria Indigenous Unit together with staff of Liquor Licensing Branch undertook several Responsible Service of Alcohol training courses within the Koori community.

5.7.2 Community Responses

Community consultation confirmed the Royal Commission's view that alcohol and, perhaps increasingly, drugs and multi-substance use, at times associated with violence, constitute a major problem for Aboriginal people in many parts of Victoria. The issue was stated graphically to the Review Team at various meetings:

We have a big problem with drugs and alcohol, more now than ever before. The effects are devastating and result in domestic violence, homelessness etc ... Some of the young ones have so much aggression when they're on the drugs or drink. They go to the aunties for money and food and go off their heads when they don't get it (Regional Victoria).

Our kids are suffering from having to see all the domestic violence in their lives because of gambling, drugs and alcohol (Regional Victoria).

Illicit drugs are having a bad impact on our community. It is not uncommon to hear of Koories chroming and doing drugs behind the Court House ... Drugs are cheap. You can get 'starter kits' of speed for as little as \$7 a pop. That makes it easy for our young ones to buy that stuff. Petrol sniffing is also a problem. It mainly happens when we have mobs from other communities come in. It causes lots of problems for a while and then slows down again (Regional Victoria).

We now got blackfellas selling drugs to other blackfellas and our kids selling to other kids. That never used to happen before (Regional Victoria).

Chroming is still a very big issue for us. We need a facility to be able to run programs for our youth. We even have some adults who do it too and the attitude is, 'if you don't chrome with us you're not part of the mob' (Regional Victoria).

The police who met with the Review Team tended to agree:

Drug and alcohol abuse are our biggest problem ... This abuse then leads on to assaults, domestic violence and theft (Regional Police station).

Alcohol and drugs is a widespread problem, not just here but across the region (Regional Police station).

Alcohol abuse is a real issue and it never helps to have that in the picture too. It's hard if you're affected by alcohol to think or act rationally. There was talk about the establishment of an alcohol free zone. The thing with this proposal is that the community needs to agree with it across the board. Need 'three strikes and you're out' system. You have to have a committee of Elders set up to police the drinking out of the permitted area (Regional Police station).

Interestingly too, both groups tended to agree that the proximate root of the problem lay with Aboriginal parents, a view not inconsistent with the Commission's opinion that the alcohol and drug problems were grounded in the historical disempowerment and general demoralisation of the Aboriginal peoples (see also Section 5.8 – Community Capacity).

Indigenous adults are twice as likely as non-Indigenous adults to smoke cigarettes, which increase the risk of heart disease, cancer and respiratory disease.

Indigenous people are more likely than non-Indigenous persons to abstain from alcohol, but those who do drink are likely to do so at unsafe levels.

We've got parents here at home smoking and drinking their heads off and they always blame the problems with their kids on the workers at the Co-op ... Our kids don't want to come home and see their parents bombed out. All they want is some love, affection and food ... What's the parents doing? They're the ones who need to be re-Aboriginal educated ... We have the grandparents getting paid for foster care and the parents getting Centrelink benefits which they spend on drugs, alcohol and gambling. These are our biggest problem. If the adults don't change their ways about how they're treating their kids then you're gonna have a worse dilemma than you've got now with the kids (Regional Victoria).

We see kids being brought up by their grandparents because their parents are either drunk, on drugs or gambling ... In fact, the parents in [Regional town] are our biggest issue (Regional Victoria).

Almost one in four Indigenous Victorians (25 per cent) reported they did not consume alcohol in the last 12 months in 2002.

Almost one-sixth (17 per cent) of Indigenous people aged 15 years and over reported risk/high risk alcohol consumption in the last 12 months.

Our kids on the weekend are into alcohol and yamdi [marijuana]. Sometimes they even get on prescription tablets. We don't have many

people getting picked up for being drunk. We teach our young ones to look out for each other. If four of them go out together for the night then they know that four of them have to come back. I caught one young 9-year-old last week with a can in his hand. I let him know what's the go! (Metropolitan Melbourne).

As for what is to be done, the first thing, according to the Victorian Aboriginal Health Service, is not to cut services:

The [Indigenous organisation] has just been advised that the funding for our Drug and Alcohol program will cease effective July 2004. Funding for the program is from the Commonwealth Government. This program covers our 50-person methadone program right through to our HACC programs. That's all going to go now. Where are those people going to go now? I'll tell you where. Back into the system and the revolving door. Back into jail and not have their health needs addressed either. Where will we send people? We have been told that we have to refer our people to existing mainstream services. How do you think our mob will cope with that? (Metropolitan Melbourne).

But by far the most common plea in terms of finding a way to handle the problem was for the establishment of *sobering-up centres*. Prisons, police and the Aboriginal community members all appeared to be in agreement on this score even if they are only a few in operation and occasionally they might be misused:

I think that [Regional town] really needs a sobering-up centre. I know that this is really an important issue for the Koori community as well. We have had a number of meetings at the former Aboriginal Co-op and the community were encouraged to put in submissions for one (Regional Victoria).

There is no sobering-up centre here in [Regional town]. We need one. When people are released into the care of the Community Justice Panels member, they are taken home but end up back out again and often re-offend (Regional Victoria).

We need a sobering-up centre in [Regional town] (Regional Victoria).

*We don't have one [sobering-up centre]. When the Royal Commission came here with all that bulls*** they asked us what we wanted. We told them we needed a sobering up centre and programs for our kids. Of course its thirteen years later and we still don't have anything* (Regional Victoria).

DHS are working on a mainstream sobering-up centre. Since 1990 our sobering up centre has been operating and we don't even have policies and procedures in place. DHS policy is that we are not an approved withdrawal facility ... I have no doubt that if someone died in our sobering up centre they would shut us down right away (Metropolitan Melbourne).

We've found that we been called by the police for a number of incidents of domestic violence. The police ring the sobering-up centre and we find out that the person is not drunk, but the police don't know what to do with him (Metropolitan Melbourne).

A visit by the Review Team to an Alcohol and Drug Rehabilitation Service and Outreach Support Programs for Koorie Men, Women and Families Co-operative, established in 1975 provided the following in relation to the drug and alcohol facilities:

The Co-operative now does their own assessments for the following three rehab centres:

- a 24 hour residential alcohol and rehab centre for Indigenous women in St Kilda (maximum stay is 3 months);
- a 24 hour residential alcohol and rehab centre for Indigenous women located in St Kilda; and
- a 24 hour residential alcohol and rehab centre for Indigenous men located in Mooroopna, Central Victoria.

Clients used to be 'happy drunks'. Now the people who we treat are mainly poly-drug users, suffering drug induced psychosis and other mental health problems, including many of the stolen generation males who were abused in their foster homes and only now are facing up to the loss of family links/identity, and the need for the healing.

Doing their own assessments is preferable because often they have residents with no reported history of mental problems, but once sober these issues emerge and [Indigenous organisation] then have to refer them for psychiatric treatment.

This centre does not have the power to hold a person against their will. However, the Police at MCC [Melbourne Custody Centre] seem to assume that Ngwala have to take people if they are Aboriginal. An example is a person picked up 9 times in one week, just out of Port Phillip Prison who is now dead – who is to blame? Perhaps statutory powers should be given to sobering up centres to permit them to hold the person? [It is also worth noting that intoxicated people at MCC are reportedly NOT checked every half hour contrary to policy requirements]. So – where do these people go? There are many examples of kids from the Melbourne Juvenile Justice Centre who are caught between Child Protection and DHS and what happens to them when they turn 18 and Juvenile Justice no longer has jurisdiction over them? (Metropolitan Melbourne).

More importantly, as explained by an Indigenous staff member of one sobering-up centre:

The big problem is that the sobering-up centres have been designed with a Justice perspective instead of a health perspective. Therefore the focus has been on 'getting them out of jail'. There are few guidelines on handling clients undergoing withdrawal ... what has been done is tokenistic. What is needed are benchmarks on hospital based withdrawal centres ... approximately three quarters of clients are poly-drug users and when you mix that with mental health problems you really don't know what you are getting. Often you put someone at risk by putting them into a sobering-up centre which is not equipped to handle withdrawal. The client may be safer in prison! (Metropolitan Melbourne).

And in relation to smaller, regionally based centres:

These operate by offering free rent to the operator and opening 24 hours 7 days a week. This is not adequate and is risky for both staff and clients (Metropolitan Melbourne).

In respect of training Indigenous drug and alcohol workers, a submission was received from G. Smith (2004) outlining the philosophy and content of the training program. *This is culturally relevant and accessible and use Koori personal with relevant community development and training qualifications were available (Smith, 2004: 2). Indigenous participants graduate with nationally recognised Certificate IV in Community Development or Diploma in Community Development, or competencies from those qualifications ... [and] contribute to gain second qualifications in related areas such as Community Services Management, Drug and Alcohol Worker, Youth Work (Smith, 2004: 3).*

In spite of the dearth of statistical information in this area, Indigenous people are reported by DHS (2001) (cited in *The Victorian Government Indigenous Affairs Report, November 1999 – October 2002*, Department of Natural Resources and Environment, 2002: 21) to be over-represented as users of Drugs and Alcohol Services.

Of all clients using Drug and Alcohol Services, 6 per cent were Indigenous (Department of Natural Resources and Environment, 2002).

5.7.3 Review Comments and Recommendations

The evidence presented to the Review shows that a substantial number of initiatives have been put in place by the Victorian Government to counter the problems of alcohol and other substances. This said, it is clear that problems remain and are of concern to members of the Indigenous community and to the authorities alike.

While much information was provided to the Review, an examination of further data would be needed before any fair and objective assessment could be made in relation to the success or otherwise of individual initiatives. Such an examination should include scrutiny of data relating to resourcing and Indigenous participation, as well as evidence of outcomes. While a substantial amount of such information was supplied to the Review, it has not proved possible to analyse it in detail. Moreover, completion of this task would also involve requests for additional data not thus far provided, thereby imposing unreasonable demands on responding departments to supply information which the Review could not process within its allocated time.

The Review reiterates its opinion that this further work falls within the responsibilities of a monitoring unit. The specific comments and recommendations which follow are therefore intended primarily for the attention of such a body, although though particular departments may wish to take account of what may be regarded as subsidiary recommendations in connection with alcohol and other drugs in the Indigenous community.

The Review notes that the principal barriers to implementation of Recommendation 58 (concerning appeals against exclusion from hotels) involve the accessibility of the Equal Opportunity Commission (EOC) legislation to Indigenous people. It further notes that the difficulties encountered in this respect were canvassed in some detail in the response from the EOC itself, as set out at Section 5.10 – Reconciliation in relation to Recommendation 212. The Review therefore draws attention to its comments in connection with that

Recommendation and in particular to the suggestion that there is a strong case for the appointment of a Commissioner as already foreshadowed in this report.

In relation to the serving of intoxicated persons (Recommendation 59), the Review notes the different levels of enforcement activity reported by Victoria Police and Liquor Licensing respectively.

The Review agrees that Recommendation 63, relating to the establishment of a National Task Force, is technically not of relevance to Victoria as far as responsibility for implementation is concerned. It believes, however, that the focal concerns specified for such a body – social and health problems consequent upon alcohol abuse, assessment of needs in this area and representation of Aboriginal Health Services in relevant projects – should not be designated as solely Commonwealth concerns.

The Royal Commission made no less than seven Recommendations relating to research in the field of Aboriginal alcohol and other drug abuse. These and the responses thereto are dealt with as a separate cluster of issues below.

The Review notes that, in accordance with Recommendation 64 in relation to research on alcohol, DHS seeks Aboriginal and Torres Strait Islander input to all service development and review projects. It also notes, however, that in this respect, as presumably in respect of research more generally, the lack of trained Aboriginal researchers constitutes an impediment to implementation of the Recommendation, an observation not inconsistent with the low proportion of Indigenous as opposed to non-Indigenous postgraduate completions noted above.

The Review notes the significant steps taken by DHS and other bodies to improve the quality of data available on various aspects of alcohol and drug abuse in Aboriginal communities. It also notes, however, that the National Ministerial Council on Drug Strategy does not apparently address all aspects of Recommendation 65 on data collection and research.

The Review agrees that Recommendation 66, which encourages greater diversity of research into Aboriginal alcohol and drug use, is aimed primarily at national organisations and research institutions located outside Victoria. It does not agree however that the spirit of this Recommendation does not apply to Victoria with its considerable research effort in the area, particularly given the correlation between alcohol and drug abuse and contact with the criminal justice system in Victoria, and it accordingly recommends that the Recommendation 66 is relevant to Victoria:

The Review agrees that Recommendation 67, pertaining to the establishment of baseline data and the monitoring of changes in relation to Indigenous alcohol use and its consequences, is aimed primarily at the national level. However, such data is also vital at a State level, as evidenced by various DHS initiatives in the area and according to the Review considers that Recommendation 67 is relevant to Victoria:

The Review notes the difficulties involved in the accurate reporting of Indigenous status with regard to alcohol and drug data (Recommendation 68) and that this also occurs as well with regard to many other areas covered in the Royal Commission's Recommendations.

The Review notes the dearth of Victorian research in relation to Recommendation 69 on the causal connection between alcohol use and other drugs.

The Review notes that the DHS Harm Minimisation approach recognises that there are a number of factors that contribute to alcohol and drug addiction (Recommendation 70), and that this approach permeates their various programs in relation to prevention and care. It also notes the development of the Koori Community Alcohol (KCA) and Drug Resource Services and Youth Residential Healing Service and wonders to what extent, if any, these services would purport to meet the community demand for sobering up facilities as well as other more ambitious objectives. This is a matter that would be of interest to any monitoring process established as a consequence of this Review. In the context of community responses, the Review also welcomes the proposed Parent Education Program based on the findings of *ABCD*.

The Review agrees that Recommendation 275 relating to Northern Territory liquor legislation is not relevant to Victoria.

The Review notes that 'local option' provisions in relation to liquor trading hours had been considered by Liquor Licensing (Recommendation 276) and that the *Liquor Control Reform Act* had been amended in 2002 to allow for objections to packaged liquor licences on the grounds that approval might lead to the misuse or abuse of alcohol. Any monitoring process established consequent to this Review might well wish to have information on the frequency of such appeals and their outcomes.

The Review notes that no special resources have been made available to Aboriginal communities to facilitate their objections against the granting or variation of packaged liquor licences (Recommendation 277). Applications are subject to the local rights of objection alluded to above.

The Review notes that Recommendation 278, which deals with effective community control over the availability of liquor is considered by Liquor Licensing to be covered by the provisions of the *Liquor Control Reform Act*. The Review accepts this situation as a statement of fact, but notes that no information is provided with regard to the possibility of community control beyond the capacity to object to applications. The Royal Commission clearly envisaged the possibility of much more extensive community control in this area.

The Review notes that apart from the *ABCD* parenting early intervention program, none of the other initiatives reported by Government seem to have been developed with specific reference to Aboriginal young people (Recommendation 283).

The Review notes the DHS response in relation to alcohol free workplaces (Recommendation 284) and the development of *Alcohol Strategy: Stage One*. The response did not however provide any information about implementation specifically within Aboriginal organisations.

The Review notes the DHS view that Recommendation 285 pertaining to the employment of Aboriginal drug and alcohol workers is no longer relevant to Victoria since Aboriginal Co-operatives now mostly employ Aboriginal people. However, the Recommendation also applied to the training of people for such roles, and the Review notes both the progress made and the continuing need in this area.

The Review notes the Government response on petrol sniffing and solvent abuse, which was the subject of Recommendation 286. It notes and commends the various initiatives which are ongoing in this context but queries to what extent they match the recommendations of the Victorian Parliamentary Drugs and Crime Prevention Committee *Inquiry*, particularly with regard to the development of holistic healing centres dedicated to the needs of Aboriginal young people.

The Review commends the steps that have been taken in relation to greater priority to alcohol and drug programs that are accessible and staffed by trained Aboriginal workers (Recommendation 287). The Koori Drug and Alcohol Plan 2003-2004 is noted, as are the initiatives, such as the Swinburne University of Technology courses, included under its auspices.

The Review notes and commends the DHS response in relation to skill training for Aboriginal and other drug treatment workers (Recommendation 288). However, the response in relation to the appropriate training of non-Indigenous workers in the Alcohol and Drugs field is not so clearly articulated and brought together in one place.

The Review notes that Drugs Policy and Services (DHS) is planning professional development training for mainstream Alcohol and Drug service providers in relation to working appropriately with Aboriginal clients. It is assumed that this cultural awareness training will incorporate instruction on the dangers of negative stereotyping in relation to Aboriginal people with drinking problems (Recommendation 255).

The Review notes the steps taken by Liquor Licensing in connection with the responsible serving of alcohol and legal behaviour of licensees (Recommendation 272). It also notes Liquor Licensing's comments on finite resources restricting their activity to be reactive rather than pro active strategies, while the Recommendation specifically called for a review of resources.

The Review does not agree that the appointment of community workers with power to inspect licensed premises is necessarily of no relevance to Victoria (Recommendation 273).

The Review notes the review carried out by Liquor Licensing in connection with concentration of packaged liquor licences in Victoria (Recommendation 274).

The Review agrees that Recommendation 275 is not relevant to Victoria.

The Review noted that 'local option' provisions in relation to liquor trading hours had been considered by Liquor Licensing (Recommendation 276) and that the Liquor Control Reform Act had been amended in 2002 to allow for objections to packaged liquor licences on the grounds that approval might lead to the misuse or abuse of alcohol. Any monitoring process established consequent to this Review might well wish to have information on the frequency of such appeals and their outcomes.

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The Review notes that the practice of 'sly grogging' addressed in Recommendation 279 is dealt with under the provisions of the *Liquor Control Reform Act*.

The Review agrees that Recommendations 280 and 281 referring to beer canteens do not have any relevance to Victoria.

The Review notes the partial implementation of Recommendation 282 which deals with Aboriginal participation in the development of promotion strategies. It notes the extensive involvement of Aboriginal people in the development of programs to date and the difficulties of recruiting appropriately qualified Indigenous program personnel.

Recommendation 21.

- That the Department of Human Services:
 - (a) address the shortage of trained Indigenous researchers in the field of alcohol abuse (Recommendation 64 relating Aboriginal involvement in research on alcohol); and
 - (b) address the specific requirements for improved data on alcohol and other substance abuse among Indigenous people in respect of Recommendation 65 (relating to data collection and research on alcohol use).
 - (c) recognise that alcohol is a major contributing factor to Indigenous disadvantage and implement Recommendation 66, actively prioritising and funding Victorian specific research on Indigenous alcohol and drug use;
 - (d) continue to improve baseline data and monitoring mechanisms on Indigenous alcohol use at the regional and state levels (Recommendation 67 relating to research into the health social and economic consequences of alcohol use);
 - (e) continue its collaborative work with the Indigenous community to improve Indigenous identifiers relating to alcohol and drug data and collection (Recommendation 68 relating accurate identification of Aboriginal people in data sets);
 - (f) in conjunction with funding bodies and research organisations in Victoria, research the causal connection between Indigenous alcohol use and other drugs (Recommendation 69 relating to causal connection between alcohol use and drug data);
 - (g) give urgent consideration to the development of Aboriginal-specific early intervention and prevention programs for use in hospitals and community health centres with a high proportion of Aboriginal clients drawing on the experience of more broadly based programs but would be tailored specifically to the social and cultural context of Aboriginal people (Recommendation 283 relating to early intervention programs in hospitals);
 - (h) continue to implement Recommendation 285 (relating to the employment of Aboriginal drug and alcohol workers), and expand the current training provision for Aboriginal alcohol and drug workers in an accessible, flexible and culturally relevant way;
 - (i) audit initiatives in relation to petrol sniffing and solvent abuse (chroming) be against the recommendations made by the Victorian Parliamentary Drugs and Crime Prevention Inquiry into the Inhalation of Volatile Substances and the Government's response (Recommendation 286 relating to co-ordinating petrol sniffing policies and resources);
 - (j) continue to implement and monitor the Recommendation 287 (relating to greater priority to alcohol and drug programs being accessible and staffed by trained Aboriginal workers) and provide a report on the evaluation of the Koori Drug and Alcohol Plan 2003-2004 and associated training courses;
 - (k) continue to implement and monitor Recommendation 285 and provide a report on the training program in relation to negative stereotyping of Indigenous clients; and
 - (l) provide a report to the Department of Human Services Aboriginal Human Services Forum on (a)-(k).

Recommendation 22.

- That the Department of Justice (Liquor Licensing):
 - (a) report on the frequency and outcome of objections from Aboriginal communities to the granting or variation of packaged liquor licenses in Victoria (Recommendation 277);
 - (b) report on whether more extensive control over local liquor availability has been considered in respect of Indigenous communities and, if so, the arguments that were presented for and against its adoption (Recommendation 278);
 - (c) investigate the serving of intoxicated persons, the apparent disparity between levels of enforcement across Victoria (Recommendation 59);
 - (d) in partnership with the Department of Justice (Indigenous Issues Unit) and Indigenous advocacy groups, actively participate in national forums in developing initiatives and policies for dealing with alcohol abuse in Indigenous communities (Recommendation 63);
 - (e) report on resources required under this recommendation, with a view to its importance for enhancing pro-active action in this area (Recommendations 272);
 - (f) reconsider the relevance of Recommendation 273 to Victoria (relating to the appointment of Indigenous community workers with power to inspect licensed premises) and explore alternatives with the Regional Aboriginal Justice Advisory Committee Network (Recommendation 273);
 - (g) report on the concentration of packaged liquor licences in Victoria (Recommendation 274);
 - (h) report on Recommendations 276 and 277 on the frequency and outcome of objections from Aboriginal communities to the granting or variation of packaged liquor licenses.
 - (i) report on whether more extensive control over local liquor availability as envisaged by Recommendations has been considered and if so, the arguments that were adduced for and against its adoption Recommendation 278;
 - (j) provide a report to the Aboriginal Justice Forum on (a)-(i); and
- That the Victorian Government continue to implement and monitor the above Recommendations 59, 63, 273-274, 276-278 through any monitoring process established as a consequence of this Review.

5.8 Community Capacity

You can't pull your socks up if you don't have any on (Metropolitan Melbourne).

The concept of empowerment for the Aboriginal people runs through the whole Royal Commission's National Report and informs many of its Recommendations. The Commission set out three essential pre-requisites for the empowerment of Aboriginal society – and associated with it, the central issue of the right to self-determination:

- *... the desire and capacity of Aboriginal people to put an end to their disadvantaged situation and to take control of their own lives (Royal Commission, 1991b, Vol. 1, 1.7.9).*
- *... assistance from the broad society, and this basically means assistance from governments with the support of the electorate, or at least without its opposition (Royal Commission, 1991b, Vol. 1, 1.7.14).*
- *... having in place an established method, a procedure whereby the broader society can supply assistance and the Aboriginal society can receive it whilst at the same time maintaining its independent status and without a welfare-dependent position being established as between the two groups (Royal Commission, 1991b, Vol. 1, 1.7.19).*

The Commission defined self-determination as being *basically about people having the right to make decisions concerning their own lives, their own communities, the right to retain their culture and to develop it* (Royal Commission, 1991b, Vol. 1, 1.7.33). Commissioner Wootten included a section on obstacles to self-determination in his *Regional Report of Inquiry in New South Wales, Victoria and Tasmania* (1991a: Chapter 24):

Although for a considerable time there has been an acceptance of the objectives of self-management or self-determination in Aboriginal affairs, and there have been notable successes, the landscape of Aboriginal affairs is littered with proposals and initiatives that never came to fruition, with disenchanted Aboriginals who have worked hard for community projects which they believe were thwarted by official action and white opposition, and officials who are puzzled and disappointed that Aboriginals did not co-operate with their plans.

There is still a very great tendency, at least in the white community, to assume that the problems frustrating advancement are the limitations of financial resources or problems in Aboriginal communities. However the real situation often is that the white officials and white communities are trying to pluck the mote out of Aboriginal eyes without regard to the beam in their own. It makes a mockery of notions of self-management or self-determination if Aboriginals are always expected to conform to the norms of the dominant culture.

The Commission stated that providing assistance should be done in a way which does not exacerbate feelings of dependency, in a way which promotes decision-making by Aboriginal people (Royal Commission, 1991b, Vol. 1, 1.7.22). Any assumption of superiority, any

attitude of knowing what is best for Aboriginal people produces a negative reaction and endangers the process of consultation and negotiation (Royal Commission, 1991b, Vol. 1, 1.7.26).

The Commission acknowledged:

Many Aboriginal people feel that the means by which communities are presently funded makes it impossible for them to exercise control over decision-making because priorities are determined in advance and there is no opportunity for long-term planning (Royal Commission, 1991b, Vol. 1, 1.7.28).

The Commission recommended that Aboriginal communities and organisations:

... Should not be crowded with programmes but allowed time to think their position through and formulate the order in which they want to attend to things – then come back to the broader society to discuss decisions that they have made. In some cases, perhaps in all, they will need some advice – technical, professional – in coming to those decisions. That advice should be provided at their request (Royal Commission, 1991b, Vol. 1, 1.7.31).

The Commission also emphasised the key role played by Aboriginal organisations and the need for them to be properly funded, as well as the importance of reconciliation.

Consequences of this historical legacy include the partial destruction of Aboriginal culture and a large part of the Aboriginal population, and their disadvantage and inequality compared with non-Aboriginal people. Further impacts are the breakdown of many Aboriginal communities, the losing of their way, excessive drinking and violence. The legacy of history, the Commission found, went far to explain the over-representation of Aboriginal people in custody.

With respect to South-Eastern Australia, including Victoria, Commissioner Wooten in his *Regional Report of Inquiry in New South Wales, Victoria and Tasmania* (1991a: Foreword) wrote:

While it is important to divert Aboriginals from custody, to make their custody safer, and to ensure that any deaths are properly investigated, the great challenge to this country is to eliminate the grossly disproportionate rate of incarceration of Aboriginal people. How is this to be done?

It does not take much close contact with Aboriginal people to convince one that the explanation for their disproportionate conflict with the criminal justice system does not lie in greater viciousness and criminality of character in comparison with the rest of society. One encounters as much gentleness, kindness, integrity and desire for a peaceful life amongst them as amongst the rest of the population.

What does become clear is that most Aboriginals have a continuing identity as Aboriginals which sets them apart culturally and historically as a separate community of people, encapsulated within a larger community.

Relations between those two communities are built on inequality arising from a longstanding, unresolved injustice, and tensions which result from it affecting the lives of individuals and communities in all kinds of ways.

The dominant white community has over two centuries mostly tried to deal with the issue by destroying the Aboriginal identity – either by physical extermination or by genetic or cultural absorption.

Even today many of those who accept that a major effort must be made to overcome Aboriginal disadvantage in matters such as health, education, employment and so on, accept this only on the basis that there must be only one people recognised in Australia, and that any assistance to Aboriginals is not to enable their separate flowering as a people within the country, but to help them 'catch up' and 'be like us'.

Those who find Aboriginal refusal to accept this unreasonable, irrational, disloyal or unrealistic, might ask themselves this question. If Japan had successfully captured Australia and colonised it after World War II, swamping the former population with Japanese immigrants, how many Australians would have been prepared to see themselves as thereafter Japanese, to merge their identity into a greater Japanese society?

It was a comparable situation that faced Aboriginal people all over the world, not only the Aboriginals of Australia, but the Indians of North America, the Inuit of Canada, Alaska and Greenland, the Maoris of New Zealand, and many others. Today they share many common problems, including very high rates of imprisonment. Notwithstanding this, they continue to assert their separate identities as peoples.

The Recommendations made by the Royal Commission in this section are intended to address community strengthening of Indigenous peoples through implementing the processes of self-determination, including representation and participation as well as the provision of services by Indigenous organisations, their funding, accountability and training.

The Recommendations also address the development and implementation of social, economic and cultural community plans and the necessity for Aboriginal people at the local level to be empowered to decide what policies, programs and services should apply in their own communities.

In addition, these Recommendations stress the role of local government, its relationship with Aboriginal communities, the potential for Aboriginal people to be involved in local government decision-making, Commonwealth funding of local government, and complaints about the provision of services for Aboriginal communities in local government areas.

The relevant Recommendations and the self-assessed implementation status reports from Victorian Government departments are set out below in full. It should be noted that for a number of Recommendations, implementation is primarily a Commonwealth responsibility. However, where the Victorian Government has taken action that contributes to the implementation it is reported here against those Recommendations. They constitute the basis upon which the implementation status was determined. This material represents the reports on progress in addressing the Recommendations, and is made available to the community through this Review. Community responses and review comments and recommendations follow.

5.8.1 Royal Commission Recommendations and Implementation Status

	Recommendation	Implementation status 2003
188	That governments negotiate with appropriate Aboriginal organisations and communities to determine guidelines as to the procedures and processes which should be followed to ensure that the self-determination principle is applied in the design and implementation of any policy or program or the substantial modification of any policy or program which will particularly affect Aboriginal people.	Fully implemented (AAV-DVC)
189	That the Commonwealth Government give consideration to constituting the Aboriginal and Torres Strait Islander Commission as an employing authority independent of the Australian Public Service.	C'with responsibility
190	That the Commonwealth Government, in conjunction with the State and Territory Governments, develop proposals for implementing a system of block grant funding of Aboriginal communities and organisations and also implement a system whereby Aboriginal communities and organisations are provided with a minimum level of funding on a triennial basis.	C'with responsibility
191	That the Commonwealth Government, in conjunction with the State and Territory Governments, develop means by which all sources of funds provided for or identified as being available to Aboriginal communities or organisations wherever possible be allocated through a single source with one set of audit and financial requirements but with the maximum devolution of power to the communities and organisations to determine the priorities for the allocation of such funds.	C'with responsibility
192	That in the implementation of any policy or program which will particularly affect Aboriginal people the delivery of the program should, as a matter of preference, be made by such Aboriginal organisations as are appropriate to deliver services pursuant to the policy or program on a contractual basis. Where no appropriate Aboriginal organisation is available to provide such service then any agency of government delivering the service should, in consultation with appropriate Aboriginal organisations and communities, ensure that the processes to be adopted by the agency in the delivery of services are appropriate to the needs of the Aboriginal people and communities receiving such services. Particular emphasis should be given to the employment of Aboriginal people by the agency in the delivery of such services and in the design and management of the process adopted by the agency.	Fully implemented (AAV-DVC)
193	That the Commonwealth Government, in negotiation with appropriate Aboriginal organisations, devise a procedure which will enable Aboriginal communities and organisations to properly account to government for funding but which will be least onerous and as convenient and simple as possible for the Aboriginal organisations and communities to operate. The Commission further recommends that State and Territory Governments adopt the same procedure, once agreed, and with as few modifications as may be essential for implementation, in programs funded by those governments.	C'with responsibility
194	That Commonwealth, State and Territory Governments, in negotiation with appropriate Aboriginal communities and organisations, agree upon appropriate performance indicators for programs relevant to Aboriginal communities and organisations. The Commission further recommends that governments fund Aboriginal organisations and communities to enable the appropriate level of infrastructure and training as is required to develop, apply and monitor performance indicators.	Fully implemented (AAV-DVC)
195	That, subject to appropriate provisions to ensure accountability to government for funds received, payments by government to Aboriginal organisations and communities be made on the basis of triennial rather than annual or quarterly funding.	Partially implemented (AAV-DVC)
196	That whilst governments are entitled to require a proper system for accounting of funds provided to Aboriginal organisations and communities, those organisations and communities are equally entitled to receive a full explanation of the funding processes which are adopted by governments. The Commission recommends that governments ensure that Aboriginal communities and	Fully implemented (AAV-DVC)

	Recommendation	Implementation status 2003
	organisations are given prompt advice, in writing and in plain English or, where appropriate, in Aboriginal languages, as to decisions concerning funding applications and as to financial and other matters relevant to the assessment of applications for funding made by those organisations and communities so as to enable those organisations and communities to make appropriate planning decisions.	
198	That governments commit themselves to achieving the objective that Aboriginal people are not discriminated against in the delivery of essential services and, in particular, are not disadvantaged by the fact that the low levels of income received by Aboriginal people reduce their ability to contribute to the provision of such services to the same extent as would be possible by non-Aboriginal Australians living in similar circumstances and locations.	Fully implemented (AAV-DVC)
199	That governments recognise that a variety of organisational structures have developed or been adapted by Aboriginal people to deliver services, including local government type services to Aboriginal communities. These structures include community councils recognised as local government authorities, outstation resource centres, Aboriginal land councils and cooperatives and other bodies incorporated under Commonwealth, State and Territory Legislation as councils or associations. Organisational structures which have received acceptance within an Aboriginal community are particularly important, not only because they deliver services in a manner which makes them accountable to the Aboriginal communities concerned but also because acceptance of the role of such organisations recognises the principle of Aboriginal self-determination. The Commission recommends that government should recognise such diversity in organisational structures and that funding for the delivery of services should not be dependent upon the structure of organisation which is adopted by Aboriginal communities for the delivery of such services.	Fully implemented (AAV-DVC)
202	That where such courses are not already available, suitable training courses to provide necessary administrative, political and management skills should be available for persons elected to regional councils of ATSIC, elected to, appointed to, or engaged in Aboriginal organisations involved in the delivery of services to Aboriginal people and other Aboriginal community organisations. The content of such training courses should be negotiated between appropriate education providers (including Aboriginal education providers) other appropriate Aboriginal organisations and government. Such courses should be funded by government and persons undertaking such courses should be eligible for such financial assistance in the course of studies as would be available under ABSTUDY guidelines.	Fully implemented (AAV-DVC) C'with responsibility
203	That the highest priority be accorded to the facilitation of social, economic and cultural development plans by Aboriginal communities, and on a regional basis, as a basis for future planning: (a) Economic development goals; (b) Training, employment and enterprise projects; (c) Community Development Employment Program schemes; (d) The provision of services and infrastructure; and (e) Such other social and cultural needs as are identified.	C'with responsibility
204	The preparation of community development plans should be a participative process involving all members of the community, and should draw upon the knowledge and expertise of a wide range of professionals as well as upon the views and aspirations of Aboriginal people in the local area. It is critical that the processes by which plans are developed are culturally sensitive, unhurried and holistic in approach, and that adequate information on the following matters is made available to participants: (a) The range of Aboriginal needs and aspirations; (b) The opportunities created by government policies or programs; (c) The opportunities and constraints in the local economy; and (d) The political opportunities to influence the local arena.	C'with responsibility
77	That the distinction between communities with or without formal local government authority status should be abolished for purposes of access to Commonwealth roads funding. The Minister for Aboriginal Affairs and the Federal Minister for Local Government should establish a review of Commonwealth Local Road Funds and specific purpose funding with, amongst others, one specific term of reference being to find feasible solutions to the	C'with responsibility

	Recommendation	Implementation status 2003
	problem of inequity for Aboriginal people in the provision and maintenance area of roads.	
78	That with respect to the provision of grants the Queensland State Government should ensure that Aboriginal and Islander Community Councils are considered against the average standards used for mainstream local government councils. Aboriginal Community Councils should have access to the Capital Works Subsidy Scheme available to mainstream local Government Authorities. The operation of the Aerodrome Local Ownership Scheme should be extended to Aboriginal Community Councils.	Classified as not relevant to Victoria
197	That Aboriginal and Torres Strait Islander Commission Councillors and Commissioners at an early stage be encouraged to consult with Aboriginal organisations and communities to develop a program for training staff of Aboriginal organisations and communities in appropriate management and accounting procedures to ensure the efficiency and integrity of the organisations which are culturally appropriate. In particular, there should be a commitment to devising management procedures which provide rules for the relationship, obligations and rights, both individually and as between each other, of directors, managers and staff of Aboriginal organisations.	Classified as not relevant to Victoria
200	That the Commonwealth Government negotiate with State and Territory Governments to ensure that where funds for local government purposes are supplied to local government authorities on a basis which has regard to the population of Aboriginal people within the boundaries of a local government authority equitable distribution of those funds is made between Aboriginal and non-Aboriginal residents in those local government areas. The Commission further recommends that where it is demonstrated that equitable distribution has not been provided that local government funds should be withheld until it can be assured that equitable distribution will occur.	C'with responsibility
201	The Commission has observed the operations of the Tangentyere Council in Alice Springs and the co-operative relationship established with the Alice Springs Town Council. It is imperative that the Tangentyere Council be provided with stable and adequate funding to enable it to continue and to enhance its provision of services and that governments, local government authorities, Aboriginal organisations and communities consider the adoption of similar models for local governance modified according to the desires of particular communities.	Classified as not relevant to Victoria

Government Responses on Implementation

Recommendation 188: Application of the self-determination principles to policies and programs

AAV (DVC) advised the Review that it is government policy to support Aboriginal communities in their attempts to become self-managing. In support of this, wherever possible Aboriginal organisations are funded to deliver programs to Koories and Indigenous representatives are involved in a wide range of government advisory committees, taskforces and planning forums which advise on policy and program development.

The majority of Victorian Government Indigenous Affairs policy and programs are developed and managed at a departmental level. Over the past five years, the Government has developed a range of large scale departmental and sectoral Indigenous affairs strategies, such as the *Koori Services Improvement Strategy*, *VAJA* and the *Indigenous Partnership Strategy*. These strategies, which are based on a whole-of-department co-ordination model, have been developed through a partnership approach focused on increasing Indigenous involvement in decision making at all levels of government. Collectively, these policies aim to:

- create a shared vision and agreed priorities for action within the government and community sectors;

- establish appropriate systems for monitoring outcomes in Indigenous affairs; Develop stronger and more sustainable approaches to tackling the many issues associated with continuing Indigenous disadvantage;
- empower local communities to become involved in policy, planning and service delivery;
- reduce duplication in service delivery and target resources more effectively;
- share ideas and expertise; and
- increase accountability and transparency in decision making.

The partnership approach has been extended in most cases to the development of agreements between government and the Indigenous community that: Set out the aims and strategic directions to be pursued; Identify agreed principles to guide actions; Specify the roles and responsibilities of the signatories to the Agreement; Form the basis for achieving equity between the parties; and Identify the key results and milestones to be achieved.

However, as a result of the broad nature of the Commission's Recommendation (for example, it lacks a clear definition of 'self-determination' and instances in which the principle should be applied) makes implementation and monitoring of this Recommendation extremely difficult. As noted above, the principle can be seen to operate across government and at different levels within the community from local decision-making (for example, Local Aboriginal Education Consultative Committees) through to State-wide bodies such as the PAAC and AJF.

The PAAC provides high level advice to the Premier from elected representatives from the Victorian Aboriginal Communities who have the mandate to speak on behalf of the Victorian Aboriginal communities on issues in relation to Aboriginal Affairs in Victoria generally. The *PAAC Terms of Reference* (July 2000) state that:

In recognition of the impact of the colonisation of the Aboriginal lands of the State of Victoria and with a commitment to working in a spirit of partnership and reconciliation, the Victorian PAAC has been established to provide advice to the Victorian Government on:

- the development of a Victorian Aboriginal Affairs Policy Statement;
- establishing a strategic framework for the implementation of whole of government policy founded on a genuine partnership with Aboriginal communities;
- establishing agreed whole of government performance measures and reporting requirements to monitor outcomes for Indigenous Victorians;
- responding to key social issues, such as the implementation of the Victorian Aboriginal Justice Agreement, the Victorian response to the *Bringing Them Home* report and Reconciliation; and
- identifying and responding to issues that can benefit from a coordinated whole-of-government community-centred approach.

Victorian developments in relation to whole-of-government frameworks and activities must be considered in the context of national developments such as:

- The communiqué on Indigenous Affairs issued at the 25 June 2004 Council of Australian Governments (COAG) meeting in relation to Government service delivery.
- The principles will provide a common framework between governments and guide bi-lateral discussions between the Commonwealth and each State Government on the Commonwealth's new arrangements for Indigenous Affairs and on the best means of engaging with Indigenous people at the local and regional levels. The Australian

Government will consult with Aboriginal and Torres Strait Islander people on their efforts to achieve this.

- On 16 June 2004 the Senate Select Committee on the Administration of Indigenous Affairs was appointed to inquire into and report by 30 October 2004 on the:
 - provisions of the Aboriginal and Torres Strait Islander Commission Amendment Bill 2004;
 - the proposed administration of Indigenous programs and services by mainstream departments and agencies; and
 - related matters.
- The demise of ATSIS and the transfer of program and service responsibility across Commonwealth agencies
- The commencement of discussions by the Commonwealth with Victoria on 26 August on how to progress the new service delivery model.
- Recommendations 6, 7 and 8 of the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs report: *Many Ways Forward: Report of the Inquiry into Capacity Building and Service Delivery in Indigenous Communities (Many Ways Forward* in particular relate to whole-of-government activity).

<http://www.aph.gov.au/house/committee/atsia/indigenouscommunities/report.htm>

It is recognised in Victoria that to increase the effectiveness of the delivery of the Victorian Government's major policy commitments in Aboriginal Affairs a partnership approach is required to create an effective mechanism for coordination, monitoring and evaluation of Indigenous specific programs.

A whole of government framework is required to provide both government and Aboriginal community leaders with an outcome focused approach to monitoring and responding to Indigenous disadvantage and to strengthen Indigenous communities. In order to achieve this, the framework will need to identify priority areas of action and indicators of community well-being (see discussion of performance indicators, Recommendation 48 in Section 6 – Findings on Monitoring Implementation).

AAV has commenced work on the development of a whole-of-government approach to Aboriginal Affairs. As mentioned above against Recommendation 48 (Section 6 – Findings on Monitoring Implementation), the Minister has recently completed consultations across Victoria with Victorian Aboriginal communities in relation to the Victorian Indigenous Affairs Framework (VIAF).

The Ministerial consultations sought to determine guidance on the following issues:

- How the Aboriginal community currently works with Government and how this could be improved.
- Processes, systems, structures and/or activities that need to be put in place to ensure that Aboriginal organisations as well as individual community members are able to participate in planning and decision-making regarding future policy development.
- Priority areas for policy development.
- Strengthening Indigenous community capacity, improving their organisational capacity, community leadership and creating opportunities for sustained economic growth.
- Monitoring effectiveness of government programs against community-driven outcomes.

The key advice received from the Victorian Aboriginal communities is that:

- There is a need to streamline and simplify the way in which Government consults with and funds Indigenous communities;
- Any proposed community structure set up to consult with the Victorian Government on whole of Government issues should be established on a local and regional rather than State-wide basis; and
- The need to address governance issues, particularly training of CEO's and board members in management, financial and legal responsibilities.

Finalisation of the VIAF is a priority area of work. It is proposed that the framework:

- is based upon a community strengthening approach which emphasises a place focus, capacity building and infrastructure for change; and
- identifies an integrated structure which would be the basis for future policy development across the Victorian Government.

Victoria has already commenced specific activities that will establish a framework for whole-of-government action. The VIAF will align reporting on budget, outcomes (performance indicator frameworks) initiatives and key strategic directions.

The VIAF seeks to integrate and build on the whole-of-government issues based policy and strategies that have been developed over the last five years, which include;

- the DHS – Koori Services Improvement Strategy (1997-2001) and Aboriginal Services Plan (2002-2004);
- the DOJ, VAJA;
- the DPI and the DSE, Indigenous Partnerships Strategy;
- *Wur-cum barra*, the Victorian Public Sector Indigenous employment policy;
- the Victorian Indigenous Family Violence Strategy (IFVS);
- responses to the Stolen Generations;
- the Department of Innovation, Industry and Regional Development, Koori Business Network policies, including Building the Economic Base – The Victorian Government's Indigenous Business Development Strategy 2003-06 (Building the Economic Base);
- the DE&T, Yalca Policy, Koorie Education Strategy and Wurreker; and
- DHS Partnership Forum.

All of the major departmental and sectoral strategies and significant policies (as noted above) are premised on a partnership philosophy and ethos that includes improved communication. They also emphasise building capacity, improving the responsiveness and cultural sensitivity of departmental and mainstream staff.

In addition the Aboriginal Services Plan (ASP) and VAJA (IFVS proposes) frameworks for service delivery underpinned by local level bottom up approaches to planning, coordinating and priority setting, which include the establishment of local regional and central consultation structures. These strategies also incorporate formal monitoring and reporting mechanisms.

AAV is proposing to test and support the development of whole-of-community type approaches under the Indigenous Community Capacity Building Program (ICCBP). The Grampians Regional Model and East Gippsland resource agency explore the development of

regionalised models of service provision, support for Aboriginal organisations (including the possibility of capitalising on economies of scale and strategies to identify and improve governance and management of Indigenous organisations). It is likely that these models will take on and test a whole-of-community approach to meet the whole-of-government approach.

The Victorian Government is an active partner in the Shepparton COAG whole-of-government trial and has much to learn by way of key lessons for whole-of-government activity from this trial. The DVC have a lead role in partnership with Department of Premier and Cabinet (DPC).

Victoria is currently contributing resources to the Shepparton COAG Trial, including \$500K over three years and an outcome broker position in DVC to effect whole-of-government processes under community direction (led by the Shepparton Aboriginal Community Facilitation Group). Key lessons from the Shepparton COAG trial will, and have already, informed future strategic policy directions.

The Shepparton COAG trial was launched in September 2004 with the formal signing of the Compact. The key principles of the COAG trials are:

- Ensuring an equitable relationship between Governments and Aboriginal communities;
- Ensuring that communities are able to set their own directions;
- Ensuring that government is easier to work with.

A great proportion of early work has been devoted to establishing the platform for the fulfilment of the objectives above, that is community building activity and negotiation with the Shepparton Aboriginal community in relation to the processes and structures around participation of all parties. This has been found to be so fundamental that one of the key lessons of the trial to date is said to be the importance of good process and of building a strong and equal partnership underpinned by adequate resources and capacity building.

The Australian, State and local governments and the Shepparton Aboriginal community have structures in place for setting directions and broad strategic planning. These are the:

- Aboriginal Community Facilitation Group;
- COAG Steering Group

The Shepparton Aboriginal community, local, State, and Australian governments are close to agreement on a resource unit to support Aboriginal community planning and service development (Strategic Planning and Policy Unit). Across governments, two outcomes brokers have been appointed by the Victorian and Australian governments to facilitate whole-of-government action.

All partners to the Shepparton COAG trial embrace the underlying philosophy of building and enhancing the skill and competency development of community and community members. This philosophy is central in the strategic planning that has taken place.

The development of an Education, Training and Employment Strategy (ETES) targeting children and young people is the first whole-of-government activity to commence in Shepparton. The Aboriginal Community Facilitation group identified that the absolute first priority area of action was to improve education and employment for children and young people. Development of the ETES will provide an opportunity to test the whole of

government and community processes and structures that have been developed under the COAG trial.

The development of the ETES consists of collaborative and integrated planning across all levels of government, involving DE&T, DVC, DHS, DEST, Department of Family and Community Service (FaCS), DEWR, the Council of Greater Shepparton, with the Shepparton Aboriginal community. It is a sharing process in conjunction with community with the aim of improving education and employment outcomes with children and young people, starting antenatally and going all the way through pathways out of school extending into meaningful training, further education and/or employment

Recommendation 189: ATSIIC

This Recommendation was classified as not relevant to Victoria according to the Victorian Government 1996-97 Implementation Report.

Recommendations 190-191: Funding of Aboriginal communities and organisations

Recommendation 192: Implementation of Aboriginal organisations, policies and involvement of and employment of Aboriginal people

Recommendations 193-194: Accountability and performance indicators

Recommendation 195: Funding processes

Recommendation 198: Equity in service access

Recommendations 196 and 199: Full explanation of funding processes and funding organisations

Recommendation 202: Provision of suitable training courses

Recommendations 203-204: Social, economic, cultural and community development plans

AAV (DVC) advised the Review that the above constitute a suite of Recommendations that collectively suggest the development of a holistic, community-led, whole-of-government approach to Indigenous affairs. The proposed system and approach are designed to give effect to the Royal Commission's overall proposal of increasing the self-determination of Indigenous people (Recommendation 188) and ensuring that they are not discriminated against in the delivery of services (Recommendation 198).

Although expressed briefly within the overall context of the Commission's *National Report*, these Recommendations represented (and still do) a key challenge to governments to change their traditional processes, structures and culture as organisations. Progress has been made at the State level within the last decade in challenging traditional policy approaches, building partnerships between Indigenous communities and government, and laying the necessary ground work to realise the Commission's vision.

Twelve years on new Indigenous policy initiatives are being developed and piloted nationally that are based on 'joined-up' government and partnership with Indigenous communities at a

local level. These initiatives are being driven by agenda's external to the Royal Commission such as the: Victorian Government Indigenous Affairs policy; November 2000 Council of Australian Government's (COAG) Reconciliation response; Council for Aboriginal Reconciliation's *Road Map to Reconciliation*; and Reforms in mainstream government that are facilitating and promoting 'joined-up', place-based government initiatives and planning.

It is a testimony to the far sightedness and impact of the Royal Commission that its ideas and thinking about government structures have not only survived, but continue to be ahead of current practice, and strongly influence Indigenous advocates and policy makers.

In 1996, the Government took a key step towards actioning the Recommendations through the development of the DHS *Victorian Aboriginal Health Outcomes Agreement*. Although limited to a small range of portfolio based divisions of DHS, the Agreement saw the: Negotiation of guiding principles governing the relationship between DHS and Indigenous community controlled health services; Establishment of a locally based, community led planning approach; and Commitment to improved coordination in the delivery of services.

This was followed by the DHS *Koori Services Improvement Strategy (KSIS)*, an expanded 'whole-of-department' Indigenous policy framework, based on many of the principles and approaches adopted in the AHOA.

A major step towards implementation of the Recommendations occurred as a result of the Victorian Government's first term pre-election policy, *Reconciliation and Respect* (September 1999). This policy had at its core, the development of a whole-of-government approach in Aboriginal affairs policy development, coordination and service delivery and increased recognition and respect for Aboriginal people as partners in policy development and service delivery. Although not as prescriptive as the Commission's Recommendations, these policies represented the core actions needed to underpin a transition from a program driven model of service delivery, to a community-centred support model (as suggested by the Commission's Recommendations).

Between 1999 and November 2003, the Government through AAV has participated in the development of a range of initiatives that have progressed government towards implementing the recommendations as a State level. This includes:

- Development of large scale departmental and sectoral Indigenous affairs strategies (underpinned by local level, bottom up approaches to planning and co-ordination), such as, DOJ – *VAAJA* and the Department of Natural Resources and Environment (DNRE)– *Indigenous Partnership Strategy*; and
- Whole-of-government policy frameworks developed to address priority issues, e.g., *Wur-cum barra* (public sector employment), the Framework for the Development of a *Victorian Indigenous Family Violence Strategy*, and *Responding to the Stolen Generations*.

Collectively, these policies aim to:

- create a shared vision and agreed priorities for action within the government and community sectors;
- establish appropriate systems for monitoring outcomes in Indigenous affairs;
- develop stronger and more sustainable approaches to tackling the many issues associated with continuing Indigenous disadvantage;
- empower local communities to become involved in policy, planning and service delivery;

- reduce duplication in service delivery and target resources more effectively;
- share ideas and expertise; and
- increase accountability and transparency in decision making.

The partnership approach has been extended in some cases (as exemplified by the *VAJA*) to the development of agreements between the Government and the Indigenous community that: set out the aims and strategic directions to be pursued; identify agreed principles to guide action; and specify roles and responsibilities of the signatories to the Agreement.

Also in this period, the Government established a set of primary mechanisms for responding to and driving its commitment to a whole-of-government approach in Indigenous affairs. This included establishment of the PAAC.

The PAAC was established in May 2000 to create a partnership between the Government and senior Koori representatives and provide advice to the Government on the development of a Victorian Aboriginal Affairs whole-of-government policy framework. The Victorian Aboriginal Affairs Co-ordination Committee was established to support the operation of the PAAC by providing a formal mechanism for departments to develop and implement agreed whole-of-government strategies and undertake monitoring and reporting on outcomes on a whole-of-government basis.

Within the first term of the Bracks Government, the PAAC provided an important new avenue for the oversight of key policy developments such as *Wur-cum barra* and the *Victorian Indigenous Family Violence Strategy*. However, progress on whole-of-government reform was by and large limited to the adoption of whole-of-government approaches to address specific issues.

In its 2002-03 Budget, the Government announced a range of new funding commitments in AAV to address key priority issues in Aboriginal affairs, including the:

- *Victorian Indigenous Family Violence Strategy*: \$7.6 million over four years to help prevent, reduce and respond to the high levels of family violence in Indigenous communities;
- *Stolen Generations Initiative*: \$2.1 million over the next three years for the development of a Victorian Stolen Generations support agency;
- *Indigenous Community Capacity Building Program*: \$2 million over two years to help develop effective links between Victorian Government agencies and Victorian Aboriginal community organisations.

The *Victorian Indigenous Family Violence Strategy* and *Indigenous Community Capacity Building Program* in particular are aimed at strengthening the Indigenous community's capacity to take on leadership roles in future partnerships with Victorian Government agencies. Although not addressing the need for recurrent base funding for Indigenous community organisations, these resources are an important contribution to supporting Indigenous organisations and families to take charge of their communities at a local level, and to begin the process of rebuilding their community's resources and social capital.

The Victorian Government's second term Aboriginal Affairs policy commitment, build on *Reconciliation and Respect's* focus on whole-of-government reform.

Under its section, 'Building for Tomorrow', the Government commits to placing *community at the centre of our approach to Aboriginal Affairs*. The policy explicitly acknowledges that:

... progress depends on the capacity of Aboriginal communities to take charge of their future. We believe effective outcomes will only be achieved if the definition of the problem and the creation of the solutions is owned and determined by Aboriginal people. Within the Aboriginal community resides the understanding and the solutions to confront problems facing our whole community. This approach means change for government. We need less centralised decision making, and we cannot assume a 'one size fits all' approach or impose a plethora of grant applications and verification processes. We need to give Aboriginal communities more control of resources to help their communities.

The Policy committed the Government to build community capacity over the next four years through:

- Increasing the resources dedicated to the community capacity building program with an additional \$3 million to assist leadership and management within Aboriginal organisations and communities;
- Boosting funding to the Koori Business Network by \$3.75 million to strengthen the economic base of Aboriginal communities, including developing supply chains for bush food industries;
- Negotiating outcomes for Native Title and improving the management of Victoria's natural resources by involving Aboriginal communities;
- Giving greater recognition to the importance of cultural heritage to the Indigenous and wider community with a state-wide Aboriginal Cultural Heritage Strategy.

In respect to driving whole-of-government reform, AAV will implement the government's policy agenda of:

- The Bracks Government was the first to introduce a whole-of-government report to Parliament. The *Victorian Aboriginal Affairs Report* outlined the current indicators of Aboriginal well-being in Victoria and detailed departmental programs dedicated to Koori initiatives. The government will continue to improve these reports and produce them to Parliament over the next term of government.
- Structuring government to deliver results – The government is committed to further strengthening the whole-of-government approach to Aboriginal Affairs and will establish a high level group of Departmental Secretaries to better co-ordinate services across government to achieve real results on the ground. The government will continue to ensure the Aboriginal community has access to the highest levels of government on a regular basis through the PAAC.

AAV's capacity to address these agendas has been significantly aided by its incorporation in DVC. DVC has strengthened the capacity of AAV to undertake whole-of-government policy development and coordination through: its emphasis on promoting whole-of-government approaches within mainstream government service delivery systems (for example, through Office of Community Building); the added support provided by AAV by having a departmental executive structure (and corporate vision) that views both Aboriginal Affairs and whole-of-government monitoring and coordination, as part of its core business; closer networking with central government agencies and other portfolio based agencies in the DVC People and Advocacy Division (particularly as it relates to the development of DVC-wide approaches to co-ordination and monitoring); and within this context, the highest priority

will be given to re-establishing an Inter-departmental Committee on Indigenous Affairs to progress reforms within a common strategic framework.

On 3 November 2000, the COAG agreed to a framework to advance Reconciliation with Indigenous Australians through promoting economic independence of Indigenous peoples and addressing their disadvantage. The framework included support for a new approach by governments based on partnerships and shared responsibilities with Indigenous communities, and program flexibility and coordination between government agencies, with a focus on local communities and outcomes.

COAG identified community leadership, community well-being and functioning and economic development as priority areas for action. In relation to the second priority, community well-being and functioning, it was agreed that governments would review and re-engineer programs and services to ensure they deliver practical measures that support families, children and young people. In April 2002, COAG agreed to establish a national pilot program focused on 'joined-up' government, locally based, community led approaches to service provision.

Shepparton is the chosen location for the Victorian Pilot. At a State level the Victorian Government has delegated the lead role for the trial to the DPC, in partnership with AAV. The DEWR (DEWR) is the lead agency for the Commonwealth. The Secretaries of the departments are taking an active role.

The Shepparton trial will enable the Indigenous community to work in partnership with governments to develop new service delivery approaches and priorities based on whole of community planning and locally generated solutions.

Recommendations 190 – 204 can be categorised as:

Public management—external

190 – triennial block grant funding

192 – Commonwealth/State single funding source and accountability mechanisms

193 – Commonwealth to devise minimal accountability mechanisms for Aboriginal Community Controlled Organisations (ACCOs), State to implement once agreed.

194 – provide training/infrastructure to ACCOs to develop, apply and monitor performance indicators

195 – triennial payments to ACCOs and communities

196 – appropriate and timely information and advice on funding matters

197 – strengthening organisational management and financial capacity and external governance

202 – provision of suitable training courses administrative/political/ management skills for staff of ACCOs particularly those ACCOs delivering services, negotiated course content

Community development—internal

197 – strengthening internal governance

203 – highest priority to Aboriginal Communities developing local and regional service delivery, training, employment and enterprise, social, economic and cultural development plans.

Government capacity

192 – Government policy and program implementation hierarchy favouring ACCOs

194 – negotiate and develop performance indicators for Aboriginal programs

198 – ensure no direct or indirect socio-economic discrimination in delivery (receipt) of services

199 – recognise diversity of legal forms of ACCOs without preference/discrimination.

Recommendations 190, 191, 193, 195, 196: Public Management – funding and accountability simplification

There is considerable work being undertaken at a Commonwealth and State level in relation to Aboriginal agencies in Shepparton under the Shepparton COAG Trial. Although the focus of this work at this point is less about simplification of funding and accountability and more about improving community and organisational capacity and testing, trialling with a view to strengthening community and organisational governance arrangements.

There are a number of recent initiatives in DHS that are consistent with the reduction in the complexity and reporting requirements associated with service delivery by DHS funded agencies. These include:

- The move to three-year departmental consolidated funding and service agreements for all DHS funded agencies (including Aboriginal organisations)
- The flexible funding models flagship projects examine the capacity for DHS to change the model of funding the non-government sector in a way that:
 1. increases the capacity for services to meet client need through facilitating client focused and integrated service provision
 2. encourages aggregate and outcome focused reporting,
 3. maintains sufficient standards and accountabilities, and,
 4. strengthens the links between planning and funding.

Rumbalara Aboriginal Co-operative is one of the agencies that are part of this project. The Barwon South West Regional DHS Office is also examining the possibility of a similar style project with the Wathaurong Aboriginal Co-operative.

Programs and Initiatives – (ICCBP)

The ICCBP and its component initiatives needs to be contextualised within the overarching policy direction of the pursuit of a whole-of-government framework incorporating whole-of-government and whole-of-community holistic approaches.

The Victorian Government has continued its commitment towards empowering Indigenous communities to make their own decisions and strengthen their capacity to function efficiently by providing \$3 million over three years (2004-2007) in the 2004-05 budget for the Indigenous Community Capacity Building Program.

The ICCBP will assist government agencies and Victorian Indigenous community organisations to work together to ensure that these communities are sufficiently resourced and supported to undertake a more strategic and long-term approach to policy development and service delivery and enhance their capacity to deliver community based services.

Elements of the ICCBP are:

- Indigenous Community Capacity Building Fund
- CEO Network
- COAG Shepparton Trial
- Leadership Strategy
- Victorian Indigenous Youth Advisory Council
- Grampians Regional Model.

Elements of the ICCBP under development or proposed are:

- Education and Training Strategy
- East Gippsland resource agency model.

It is proposed that the ICBBP will be evaluated which will provide valuable learning in relation to investment of resources and effort and provide the basis to ensure the alignment of program outcomes with the broader policy directions. An evaluation framework is currently in development.

Indigenous Community Capacity Building Fund

The aim of the fund is to provide flexible operating grants to Aboriginal communities to assist their community organisations undertake local initiatives that enhance their capacity to work in partnership with government and deliver community based services.

The ICCBF provides non-recurrent grants to community (under \$100k) which are strategically designed to develop community capacity:

- over 2002-04 \$1.42m in grants has been provided to community organisations and individuals
- the focus of the 2004 funding round is on strengthening organisational capacity and was assessed on that basis
- The Minister recently announced, 20 August 2004, a further round of grants totalling \$525,000.

CEO Network

The aim of the CEO Network is to focus on building awareness amongst managers of Indigenous community organisations of Victorian Government policy, programs and services and developing 'best practice' approaches in community development and organisational management. The Victorian Aboriginal Community Controlled Health Organisation (VACCHO) has been funded since April 2003 to operate the ICCBP CEO Network (\$200,000 over two years). The Network has been the subject of an interim assessment by AAV and proven to be a useful initiative in the skills development, debriefing, education and information sharing of the various Indigenous community organisations.

COAG Shepparton Trial

Refer to discussion above under Recommendation 188. Key lessons will inform future policy directions underpinning the ICCBP and related whole-of-government framework.

Victorian Indigenous Youth Advisory Council (VIYAC)

This project relates to the commitments given by the Victorian Government under the July 2000 Victorian Government/ATSIC Communiqué. The communiqué arose from a meeting between the Premier, Attorney-General and Minister for Aboriginal Affairs with ATSIC Board of Commissioners (the first meeting held between the ATSIC Board and a State Government).

Under the communiqué, Victoria agreed to jointly fund and support the development of the VIYAC as a mechanism to advance the abilities of young Indigenous people by providing them with an opportunity to articulate their opinions, concerns and ideas about their roles in society.

The Office for Youth is working in partnership with AAV to support the VIYAC. DVC has provided a one-off grant of \$56,000 in the 2004-05 financial to support the Council. The VIYAC aims to:

- Develop regional and local support structures for Indigenous young people (example mentoring, role models);
- Advocate to Government on behalf of Indigenous young people;
- Assist in the development and implementation of policies and strategies impacting on Indigenous young people (example family violence, social and emotional well-being and alcohol and drug misuse issues); and
- Develop partnerships between the Victorian Government and community organisations that will enable the experiences of Indigenous young people to be at the core of decision-making.

During the period 2003-November 2004, the VIYAC lost a significant part of its funding and ceased to operate. Work to re-establish VIYAC began to gather momentum towards the end of 2004.

Leadership strategy

The Victorian Indigenous Leadership Strategy, announced in April 2004, aims to address the critical issues of leadership, governance and community capacity building in Aboriginal communities by supporting Aboriginal young people to develop leadership skills and fulfil their potential.

The strategy also addresses the long term vision of Aboriginal communities for increased cultural strength, emotional and spiritual well-being and the capacity to grow, sustain and care for future generations.

The strategy has grown from the successful outcomes of the group leadership projects which were seed funded by VicHealth in 2001-02 under the Mental Health Promotion Plan.

The \$1m funding provided by the Community Support Fund together with \$0.5m from VicHealth continues the momentum and will enable the development of the leadership projects as models which will be relevant and of use to other Aboriginal communities.

The projects under the Leadership strategy are:

- *The Koori Network for the Future* - A community-based 'think tank' with a statewide membership of over 200, representing Indigenous community arts, culture, education, justice, sport, health and education. The Network organises forums on Indigenous leadership and current community issues. The Network conducted the highly successful

statewide *Conference 21: Positioning Our Future* on Indigenous Leadership in Melbourne in November 2003.

- *The Koori Community Leadership Projects* - The seven community-based projects funded under the Strategy target young Indigenous people, providing formal leadership education and experiential training through planning and undertaking community-based activities. Each project involved older community members and Elders as mentors and role models.
- *Community Dreaming Leadership Project, Winda Mara Aboriginal Co-operative, Heywood* - The project is based in two secondary schools and an employment program in the Heywood/ Portland area, working with Indigenous and non Indigenous young people. The success of the project in 2002 has resulted in the project training and activities being integrated into the Victorian Certificate of Adult Learning (VCAL) senior school curriculum at the two schools from 2003.
- *Step Up Koori Leadership Project, VACSAL, Fitzroy* - The Project recruits participants employed in Indigenous organisations, Government departments and non-Government organisations, providing training in residential workshops in six Koori communities across Victoria. The project is conducted in partnership with RMIT University resulting in credits toward the RMIT Graduate Diploma in Community Services.
- *Three Tribes Leadership Project, VAYSAR, Northcote* - The project is conducted in partnership with Athlete Development Australia and Involves 40 young Koories from the KODE School Glenroy, Northlands Secondary College and Dandenong Aboriginal Cooperative. Leadership mentors and project leaders were Indigenous and non-Indigenous elite athletes.
- *Rumbalara Koori Community Leadership Project, Rumbalara Football Netball Club Shepparton*: The project was integrated within the Healthy Lifestyles Program of the Club. Leadership training was provided to the young people and older role models by Athletes Development Australia. Key outcomes included successful employment of five young people in local industry with ongoing support and mentoring.
- *Koori Leadership Project, Ballarat and District Aboriginal Cooperative, Ballarat*: The project involved young indigenous people from the local community who had left school and were unemployed. It was conducted in partnership with Ballarat University, providing credits toward the Diploma in Community Work at Ballarat University.
- *Gippsland Leadership Project*: The Project was developed by Ramahyuck District Aboriginal Corporation in partnership with five Indigenous communities across south eastern Victoria, the Bounce Back Foundation, Athletes Development Australia and the Adventure Australia Foundation. The Project provides young people with skills and experience in leadership while undertaking the preservation of the history of the Bataluk Trail which formed the backbone of traditional trading routes within the region for over 18,000 years.
- *Koori Women Mean Business*: The statewide Project works with young Indigenous women, providing leadership and professional development and nationally accredited training in community leadership in regional areas, and publication of a document for community distribution.
- *The Multi-Site Evaluation of the Koori Community Leadership Projects: The Multi-Site Evaluation* works with the individual projects to develop their evaluation skills and capacity to be able to conduct their own project evaluation. The *Evaluation* also provides information on the common themes from the projects, in the context of Indigenous leadership models nationally and internationally, disseminating information on issues and practices which are transferable across communities.

Funding

Each project will be funded \$100,000 in 2004-2005 and \$100,000 in 2005-2006. This will be dependent on approval of project proposals and satisfactory outcomes of the projects.

Education & Training Strategy

The Education and Training Strategy is currently under development.

Regional Resource Models

Three models will be trialled with the objective of strengthening the governance of community organisations, collaborative community engagement and maximising of skills and opportunities. The first of which has been funded in the Grampians region.

The Grampians Regional Model and East Gippsland resource agency both potentially explore the development of regionalised models of service provision, support for Aboriginal organisations (including the possibility of capitalising on economies of scale and strategies to identify and improve governance and management of Indigenous organisations). The Shepparton Aboriginal community local, State, and Australian governments are close to agreement on a resource unit to support Aboriginal community planning and service development (Shepparton COAG Trial – Strategic Planning and Policy Unit).

Grampians Regional Model

This model has been agreed by the Indigenous communities of Ballarat, Halls Gap and Horsham as represented by Ballarat & District Aboriginal Co-operative, Budja Budja Aboriginal Co-operative and Goolum Goolum Aboriginal Co-operative respectively. The organisation will work collaboratively to achieve benefits in a range of areas for example purchasing, area priorities, economies of scale. Development of the Greater Grampians regional model is underway.

Shepparton COAG Trial – Strategic Planning and Policy Unit

At this stage it is considered that the Unit will be involved in building community capacity, leadership, governance, community building, whole of community planning, monitoring and evaluation and skills training.

East Gippsland Resource Agency Model

While in early development thinking is that the East Gippsland 'resource agency' will provide administrative support, financial management and training for a network of organisations.

The East Gippsland resource agency model is part of the demonstration projects from the Community Support program.

Other DVC Programs

DVC more broadly funds a Community Building grants program that is accessible by Indigenous organisations and communities. Community Building is a Victorian Government priority that seeks to develop cohesive and sustainable communities. It involves whole-of-government strategies to improve the ability of communities to manage their own affairs, build on their strengths and engage in partnerships with government and other sectors that result in shared social, economic, cultural and environmental benefits.

Key outcomes of Community Building include increased capability and capacity - reflected in measures such as leadership skills, participation in community organisations, volunteering,

relationships with governments, local pride and sense of safety and well-being - as well as concrete changes to community conditions and achievements in areas such as school retention, employment, transport, family stability and crime prevention.

The Community Building Demonstration Projects are flagship initiatives designed to teach Government and communities more about community building processes and to guide broader changes to government programs and services. Over three years each project will test new approaches to identify and address priority community issues, mobilise local skills and resources, and develop new leadership and partnerships. A key element of the Demonstration Projects is active collaboration between State Government, Local Government and an extensive array of non-government organisations, businesses and local groups in communities.

Community Support – Planning

Planning grants will contribute to planning projects proposed by Local Governments and community partnerships in response to community strengthening or resource and infrastructure needs. Funding will be provided to develop better information and data for planning, measurement or developing future directions.

Community Support – Strengthening Communities

Strengthening Communities grants will provide project funding to organisations, networks and partnerships to implement projects that will advance the interests of their communities. Projects that encourage greater participation and increased diversity of participants will be supported.

Community Support – Building Community Infrastructure

Building Community Infrastructure grants will improve places where communities meet and interact. Grants are provided to build or upgrade Community Centres, or improve general infrastructure, providing that it relates to community strengthening objectives

AAV (DVC) made further comments against specific Recommendations as reported below:

Recommendation 192: Role of Aboriginal organisations and employment of Aboriginal people

Generally this hierarchy has been adopted across the Victorian Government.

Recommendations 203 and 204: Social, economic, cultural and community development plans

Partnership approach refer to the relevant forums Aboriginal Health Service Forum (AHSF), AJF, (and their regional equivalents) and PAAC. The Government is currently considering the IFVS Taskforce report which recommended the establishment of a Partnerships Forum to consider whole-of-government policy and issues in relation to family violence (regional advisory structures). Whole-of-government framework (regional). Increased use of Tumbukka and Binjirru Regional Council plans (launched 2002).

Recommendations 77, 78, 197 and 201: Models for local governance

Recommendations 77, 78, 197 and 201 were classified as not relevant to Victoria according to the Victorian Government 1996-1997 Implementation Report.

Recommendation 200: Equitable distribution of funds

No progress reported as this Recommendation was not allocated to a Victorian Government Department.

5.8.2 Community Responses

There was a wide range of comments from Aboriginal people relating in various ways of community strengthening. The Review also notes the many important Koori initiatives brought to its attention by community members that are aimed at strengthening the community. These include for example, the *Gathering Place* in the Western Suburbs of Melbourne; the *Hear Me Now! Training Manual for Educators of Koorie Students* (2002), *Partnership between VACSAL and the Federal Government*; the *Koori Heritage Trust* and the *Bunjilaka Cultural Museum*, and the work in the City of Darebin, some of which are supported by the Federal and Victorian governments. As the Victorian Minister for Aboriginal Affairs stated in announcing Indigenous Capacity Building grants totalling \$500,000:

The Bracks Government is empowering Indigenous communities to make their own decision and deliver real benefits for Indigenous people (Media Release, 20 August, 2004).²⁶

Almost nine in ten Indigenous Victorians (88 per cent) aged 15 years and over, reported participation in social activities in the last three months prior to the 2002 National ABS Aboriginal and Torres Strait Islander Social Survey.

In 2002, more than half of Indigenous people (53 per cent) also said they attended cultural event(s) in the 12 months prior to the survey.

The three most common types of events that Indigenous people attended were festivals/carnivals (31 per cent), involvement with Aboriginal and Torres Strait Islander organisations (30 per cent) and funerals (28 per cent).

However, the many comments provided by the Indigenous community tend to focus on ways in which the community is being weakened rather than strengthened.

An example of how Aboriginal community organisations can be adversely affected by government action comes from the views of the Aborigines Advancement League (AAL). Founded in 1958 the AAL is the oldest Aboriginal community organisation in Victoria and administers a range of support and welfare programs – including aged care, funeral service, a hostel for women as well as education, legal, housing and health assistance:

Since Herron [Federal Minister for Aboriginal Affairs] did the cuts to the Community Support Program in 1996 this organisation has suffered greatly (Metropolitan Melbourne).

²⁶ See also in this context *Many Ways Forward: Report of the Inquiry into Capacity Building in Indigenous Communities*, House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, June, 2004.

We are grossly under-staffed and under-resourced... this has been at the detriment of the community and the organisation ... The only reason we have survived the past eight years is purely by the hard work and dedication of our staff (Metropolitan Melbourne).

As a consequence of these difficulties:

Our staff are stressed ... We are unable to appoint a Chief Executive Officer (Metropolitan Melbourne).

On the positive side, some efforts by government are applauded by AAL in terms of building community capacity through employment opportunities:

I know that the Department of Justice has actively pursued employment of Koories. I heard that the Department of Justice now have approximately 32 Koories employed (Metropolitan Melbourne).

But there are unanticipated negative consequences of these initiatives:

The only trouble is that the community organisations suffer because most of those employees come from the organisations (Metropolitan Melbourne).

And as a result there's no ability for us to fill those vacancies.

Other difficulties are also identified by this community organisation:

The other problem is that the government also attracts 'part-Aboriginals' to identified positions. These people are not real community people and they don't really know anything about the community (Metropolitan Melbourne).

The problems facing community organisations can lead to weakening their capacity to operate effectively within their community in the way they would like to. Thus the AAL notes that:

We used to be able to undertake a range of tasks to assist the community but now we just can't do it anymore ... The AAL does not have the capacity to do visits to the jails ... We have no ability to support the families of those in custody either ... There are many things that this organisation could do but just does not have the capacity anymore. We work from the bottom up but the resources are inadequate (Metropolitan Melbourne).

The level of resourcing of grass roots community organisations is frequently raised as a factor constraining, if not diminishing, the capacity of the community:

The lack of adequate resources for community organisations is an ongoing battle (Metropolitan Melbourne).

While the initiatives implemented through the *Victorian Aboriginal Justice Agreement* have been positively viewed, there is another less positive side which suggests an imbalance, with the community losing out:

With the implementation of the VAJA the government's capacity was greatly enhanced. However, the community capacity was not (Regional Victoria).

The perceived neglect in the implementation process of the Royal Commission's Recommendations of ensuring that the Aboriginal community is in practice involved, supported (particularly financially) and strengthened is acknowledged:

The implementation of the Recommendations is lopsided in terms of the base people have to work from (Metropolitan Melbourne).

Community organisations have less ability to work effectively and are unable to focus on holistically addressing the needs of community because funding is limited to specific areas (Metropolitan Melbourne).

Thus according to the AAL, there is an urgent need to ensure that the community organisations have the resources (including training and related support) to deal with their complex and varied responsibilities:

Koori people are getting on Boards but they need training to sit on them and to know how handle that (Metropolitan Melbourne).

[The organisations] need to be run properly, and [you] emotionally and socially live and breathe it all the time ... takes a lot out of people ... may have had deaths in custody and it affects people terribly (Melbourne Metropolitan).

There is a need to look at the capacity building for Koori organisations to deal with issues ... The Aboriginal Justice Advisory Committee has no resources at all yet it has an important role to play in relation to the Royal Commission, the VAJA and the Warring Project [Corrections Victoria Aboriginal correctional facility to be built in Regional Victoria] (Regional Victoria).

In the VALS submission to this Review it was noted that the Commonwealth Grants Commission (CGC) *Report on Indigenous Funding* (2001), released eleven years after the Royal Commission into Aboriginal Deaths in Custody, uses different language but makes some similar Recommendations about how Government should deal with Indigenous organisations. The need to repeat the Royal Commission's Recommendations would suggest that they have not yet been implemented.

The CGC Report argues that:

There are important principles and key areas for action that should guide efforts to promote a better alignment of funding with needs. These include:

- (i) the full and effective participation of Indigenous people in decisions affecting funding distribution and service delivery;*
- (iii) ensuring a long term perspective to the design and implementation of programs and services, thus providing a secure context for setting goals;*
- (vii) recognising the importance of capacity building within Indigenous communities (Commonwealth Grants Commission, 2001: xvii-xix).*

Some government initiatives appear to make matters worse for community organisations and Indigenous people. The submission received from the VALS refers to the Commonwealth Government's decision to call for tenders in the delivery of legal services to Indigenous people:

The tendering out of Aboriginal legal services [by the Federal government] will make things worse for our people ... The fact is that VALS is not resourced appropriately to deal with the demand from community ... The reality too is that non-Indigenous legal companies won't want to take on this responsibility either ... (VALS, 2004: 48).

VALS, in commenting on the lack of consultation on the tender policy for legal services state that it demonstrates a lack of understanding of the legal assistance needs of Indigenous Australians and a lack of understanding of legal services for Indigenous Australians (VALS, 2004: 45) and how the proposed Commonwealth Government's process can undermine the right to self-determination. The tender policy also, according to VALS, ignores the right to self-determination by opening up the possibility of legal services no longer being supplied by Indigenous organisations with Indigenous staff but by mainstream providers, and maximises the chances of attracting non-Indigenous mainstream legal aid and private law firms to bid for tender, and such organisations being granted the bid. Such a model of legal service provision, it is argued, will have a detrimental impact on Indigenous Australians because the cultural appropriateness available from Indigenous organisations will be lost. The 'mainstreaming' of legal services for Indigenous Australians has assimilation undertones and contradicts Recommendation 1e of the Royal Commission which states local Aboriginal organisations are consulted about the local implementation of recommendations, and their services be used wherever feasible.

It was noted that the Council of Australian Governments in 2000 (see also the AAV response to Recommendation 188 above) agreed on a reconciliation framework drawing upon the resources of all governments in Australia. This initiative is dedicated to developing and improving, community leadership and governance, practical measures that support families, children and young people; and links with the business sector to promote economic independence.

A further COAG initiative, described in some detail by AAV above, attempts to pilot a new service delivery approach based on whole-of-community planning and locally generated solutions, and to overcoming obstacles to 'joined-up' government. However, on the ground, there have been some negative comments about this whole-of-government pilot project, documented in *Take It Or Leave It: How COAG is failing Shepparton's Aboriginal People* (Cutcliffe, 2004).

There appears to be no incentive or urgency in the bureaucrats' approach to the COAG project. One Aboriginal leader says it appears as though the government executives' get a big tick' for consulting, even if that consultation doesn't actually achieve anything (Cutcliffe, 2004: 9).

Aboriginal agencies are required to spend inordinate amounts of time satisfying government queries and compliance demands as though the government agencies are determined to find an anomaly or identify waste. In one example, the Ganbina Koori Economic Employment Agency was required to wait for nearly two years to receive its final payment of \$80,000 (Cutcliffe, 2004: 9).

There is no inter-generational strategic plan agreed between the governments and Shepparton's Aboriginal people. As politicians and bureaucrats move around to new jobs or new careers, there is no mechanism to safeguard methodologies or enforce accountability. In other words, any particular strategy can simply be written off as one bureaucrat's strategy if it is found not to work (Cutcliffe, 2004: 9).

Because COAG's approaches are primarily based on economic indicators, there is little likelihood that issues such as education and cultural development will be addressed sufficiently to ensure that key learnings are embedded in the community's knowledge (Cutcliffe, 2004: 10).

Funding models provide reimbursement on results, rather than being geared for developing capacity as well as delivering results. In most cases, results cannot be delivered until capacity is developed (Cutcliffe, 2004: 10).

This independent analysis of the COAG pilot suggests inherent difficulties which go against the grain of the Commission's Recommendations. The impact of poorly resourced and weakened community organisations is also particularly felt at the level and extent of family support, in particular for Indigenous people in prison or after leaving prison:

If the government was serious about addressing the underlying issues then they need to do something for families (Regional Victoria).

There need to be supports in place for the families of ex-prisoners ... There was an incident recently where a fella was in prison and his partner was on the outside doing it hard. She was addicted to prescription drugs and the end result was that she had her kids taken away from her ... She needed support to get her through that situation but it just wasn't available (Regional Victoria).

More generally, it was noted that the capacity of the community organisations to do preventative work is severely restricted. This was also reinforced by Vince Mundraby of the Queensland Aboriginal Local Government Association (17 January 2005) on the Australian Broadcasting Corporation (ABC) *Message Stick* program when he commented about the Queensland experience where:

They talk about big money going in and out of legal services to assist victims of family violence, potentially jailing more of our people in the process, but they don't talk about how we should be working together to stop the problem in the first place ... putting \$22m or more into an extended Indigenous Family Violence Prevention Legal Services was acceptable only if an equal amount or more went into grassroots community programs aimed at stopping the problem in the first place.

Victorian community responses to this Review reinforced this:

There are not enough funds going to community-controlled organisations. We can only deliver limited services and this is not satisfactory for the Koori community. How to break the cycle of welfare dependency? ... Can only do bandaaid work. Most community organisations can't do anything more than be reactive (Regional Victoria).

There is no money for proactive work. The Co-op is the first point of contact and we're very limited in what we can do (Metropolitan Melbourne).

The fact that many community organisations involve volunteers, adds further strain on the community:

Community Justice Panel members are still volunteers, not paid [but] the expectations are just too great (Regional Victoria).

The Elders [who do volunteer work] should not be penalised if they are on Centrelink, how can they be reimbursed for costs? (Metropolitan Melbourne).

That government can play a key role in strengthening the community is clearly acknowledged but is very much qualified by its perceived lack of commitment and cultural understanding:

The Department of Premier and Cabinet need to be more directive in getting government departments to do things in a better way (Metropolitan Melbourne).

The trouble with the Government is that they never recognise the life experiences that Aboriginal people have. All they want to look at is your certificates and awards. Just because a person has all those things doesn't mean that they are the experts you know (Metropolitan Melbourne).

I could write a whole page of things and it probably wouldn't make any sense to the Government people but it makes sense to me and my people. Just because it takes me a whole page to describe my thoughts, the VPS think they are smarter because they can write it all down in half a page (Regional Victoria).

The VAJA is identified as tackling a number of the issues relevant to community capacity:

We acknowledge that the Victorian State Government has made a positive impact with the development of the Aboriginal Justice Agreement and the establishment of the RAJAC network (Regional Victoria).

We are confident that the Yalka Farm proposal [to the VAJA] is getting closer. The Yalka Farm will provide preventative programs for our youth and is to be located in our region (Regional Victoria).

The Community Initiatives Program [of the VAJA] is another great example. CIP assists Koori communities to identify and develop programs at a local level (Regional Victoria).

Nevertheless, such efforts are seen as not extensive enough and certainly not long-term enough for what is needed:

How does the government expect to fix up 200 years of problems with [VAJA's budget of] \$6m? It will take at least another 30 years before there will be any change at all ... Society has a lot to answer for. This is not the way Aboriginal people were before (Regional Victoria).

A key element in the community's strength is able to make visible progress in terms of employment, yet the opportunity to do something about it is often seen as very limited:

We have some of our kids complete VCE and then they are not able to get a job. Sometimes all they do is get a job at the local Co-ops (Regional Victoria).

The AAL has the ability to increase its CDEP but the program will cease as of June 2004 (Metropolitan Melbourne).

Some of the CDEP positions should be made available for ex-prisoners so that when they are released they have a job (Metropolitan Melbourne).

Funding, both in terms of the adequacy and the duration, was frequently raised as being critical to the community's capacity to deal with its responsibilities. Yet according to Indigenous staff of a regional tertiary educational institution:

When funding goes to the community to develop programs relevant to respective areas it is never enough and it is always so restrictive in what we can provide (Regional Victoria).

Government agencies never understand that we have so many things we are expected to provide for the community (Regional Victoria).

And as a telling comparison:

A non-government organisation [NGO] providing welfare services in [Regional Victoria] gets lots of funding for Koori programs and yet they don't even employ any Koori workers. Another issue we have is that places like [other named NGOs] think the Co-op is the be all and end-all. Those [NGO] agencies get Koori dollars and they should be more accountable (Metropolitan Melbourne).

At the same time, members of the community wondered where the funds earmarked for Aboriginal programs go:

I heard that DHS receives \$60m for Aboriginal programs and services. Where is it? (Metropolitan Melbourne).

Where is all the money that came as a result of the Royal Commission Recommendations? It obviously didn't get channelled through to community organisations (Regional Victoria).

Government departments need to be made more accountable (Metropolitan Melbourne).

Lack of local infrastructure such as public transport was also identified by other community members as contributing to the weaker community:

There's just nothing around here when you want to go out at night (Metropolitan Melbourne).

You really need to have a car if you go anywhere at night especially (Regional Victoria).

Usually our mob organise themselves so that they have a designated driver responsible for getting everyone home from the city at night (Metropolitan Melbourne).

That Indigenous people themselves need to accept some responsibility is clearly recognised:

Community Legal Education is important for the community, to understand their legal rights and obligations (Metropolitan Melbourne).

I know that one of the local fellas here see parole as freedom. They don't care about reporting (Regional Victoria).

While community organisations are seen as having strengths in understanding the issues they are not immune from criticisms, although reluctantly given, considering their circumstances:

Koori organisations are community controlled. We know what the issues are for our mob. Every single worker here in the Co-op knows the families we work with. It's different for us. It's a passion and commitment to our mob that non-Koories don't understand and never will (Regional Victoria).

One of things we don't like doing is criticising Koori organisations (Metropolitan Melbourne).

Some of our Koori organisations are bordering on breaching Occupational Health and Safety. Sometimes our workers don't go home from here until 10.00pm at night (Metropolitan Melbourne).

They don't get paid penalty rates either because we just don't have the money. Government and mainstream agencies just don't understand the scope of the work that is done in Koori organisations ... We don't have the resources. Some of the Koori families monopolise the [organisations] ... and don't meet the needs of the Koori community (Regional Victoria).

The legacy of the past in relation to Indigenous deaths in custody in particular is perceived as having a devastating and lasting impact on some Indigenous communities and, if left unaddressed, can poison relations with non-Indigenous agencies such as police:

That's what I'm trying to make a point about. It shows how significant the Royal Commission is for [Regional town where a death in custody occurred investigated by the Commission]. Here we have a more significant thing than any other community. The loss of a life should be counted for something. Deaths in custody have to be worth something more than this. We get you fellas up here from Melbourne to talk about these things and expect us to give you everything all the time. Maybe the community has given up hope with you (Regional Victoria).

Will the current Implementation Review make a difference to the community? Comments from community members indicate that they certainly hope so:

What youse have done by coming here and talking to us about the Royal Commission is that you've given us a ray of hope (Regional Victoria).

We think that not much has changed since the Royal Commission 13 years ago but we hope that the Review will make a big change ... The Review needs to be ongoing (Metropolitan Melbourne).

Some community comments referred to specific needs, often related to release from prison, which, if able to be implemented could have a major impact on the community and its cultural survival. Thus in one Regional town, the need for a re-integration facility was called for:

I think that [Regional town] needs a re-integration facility – especially for our youth (Regional Victoria).

We had an Elder in our community who took on the responsibility for her dead brother's son. The grandson was not a 'good' boy and the stress of trying to manage that situation sent her to her grave. Because there was no support for this boy after his aunt died he's ended up in jail. The other nephew is hanging on by the skin on his teeth to keep out of jail. If we had a facility we could have supported that Elder and those boys (Regional Victoria).

[Regional town] Co-op is trying to establish an integration unit ... outside of town. We would want it to be staffed by professional Koori drug and alcohol workers. Last October 2003 we had four boys released from Juvenile Justice. Of those four boys only one had a place to go to. The others had nothing (Regional Victoria).

We know that the numbers for post-release prisoners for the [Regional town] and [Regional town] regions don't warrant such a facility. [But] the fact of the matter is that the mob wants this multi-purpose facility. We applied to the RAJAC to undertake a combined feasibility study for the [Regional town] and [Regional town] region but we were knocked back because the numbers don't warrant the expense (Regional Victoria).

Linked to the need for re-integration into the community of Indigenous offenders, are other concerns about those who offend and are caught up in the cycle of re-offending, and with the associated criminal records which has consequences for the whole community.

You get families going through the system, as did their grandfathers and fathers before them. There's been no supports put in place for them when they leave prison. That's why the cycle is still continuing (Regional Victoria).

I was at Court last week in [regional location] with a guy who has been in and out of jail on and off for the past 15 years. He got out for a short time, stole a mobile telephone and copped 16 months. He appealed and got his sentence reduced to 6 months. This guy's been institutionalised. He has a baby and the mother is in the psych ward. He's the only one those kids have got (Regional Victoria).

As some community members with criminal records noted however, their willingness to contribute themselves to community strengthening efforts can be effectively blocked.

I would love to be able to go to Prisons and talk to the men about their issues [as an Official Prison Visitor] but you need to be a saint! (Regional Victoria).

I'd love to be able to share my personal experiences with them and help them but I can't because of my criminal record. I've never done anything else wrong in my life – only that one time (Metropolitan Melbourne).

There should be some allowances made for people like me [with a criminal record]. I still have a lot to offer (Metropolitan Melbourne).

Finally, perhaps, community strengthening can also be a matter of spiritual and mental strength as noted by Aboriginal commentator Lester Bostock;

What we have to fight about now is not so much the economics of colonialism, but the colonialism of the mind, where Aboriginal thought needs to be part of the mainstream thought, and must be accepted as such (ABC Message Stick, 6 January 2005).

The need for community strengthening was also strongly emphasised in five of the six RAJAC Social Justice Plans with a number of community identified initiatives being developed or implemented to address this important issue.

5.8.3 Review Comments and Recommendations

The issue of what constitutes a 'community' and how this understanding is utilised by this Review Report is discussed in detail in Section 3. See also Volume 2 – Statistical Information and as a prerequisite backdrop to the many community strengthening activities and Appendix 6 for a Historical Background of Indigenous Victorians.

The Review notes with somewhat disappointment, but not unexpected dismay that the detailed response from AAV, specifying that the government does not have a specific policy regarding self-determination. With respect to the comments about the broad nature of Recommendation 188 and the lack of clear definition and instances in which the principles should be applied, the Review notes that the concept of self-determination is a key underlying issue identified by the Commission:

... self-determination is basically about people having the right to make decisions concerning their own lives, their own communities, the right to retain their culture and to develop it (Royal Commission, 1991b, Vol. 1, 1.7.33).

With respect to AAV's advice on self-management, the Review notes the Commission's reference to the contrast between this term and self-determination. However, the Review considers that the Victorian Government should in partnership with the Indigenous community should clarify its position on self-determination so that it becomes an integral part of its whole-of-government policy framework on Indigenous issues as well as fundamental in the development and delivery of policies, programs and services. As Recommendation 188 states, the Victorian Government should then negotiate with appropriate Aboriginal organisations and communities to determine guidelines for the procedures and processes which should be followed to ensure that the self-determination principle is applied.

The Review recommends that Recommendation 189 should be excluded as it is not relevant to Victoria.

The Review notes the extensive response from AAV on the grouped Recommendations 190-196, 199 and 203-204. The Review believes the community should be given better information, and in an appropriate form, on funding Indigenous services and programs across government, so that there is transparency and accountability to the community.

The Review disagrees that Recommendation 197, which refers to ATSIC, does not apply to Victoria when its intent is considered but which relates to training of community organisations for internal governance.

The Review notes that while no progress reported on Recommendation 200 and Recommendation 201 is reported as not relevant to Victoria, the Review believes that these recommendations are relevant to Victoria if their intent is duly considered. The Commission made a number of comments on the provision of local government services to Aboriginal communities:

... although local government appears to present an area where the application of principles of self-management and self-determination in a restricted area could be applied, the opportunity has not been grasped; to the contrary, it is an area where inequitable use of funds has been shown to have occurred in many places (Royal Commission, 1991b, Vol. 2, 20.5.79).

No evidence was presented in respect to inequitable use of funds by local government. Nevertheless many examples of positive initiatives being undertaken by local government in a number of municipalities in Victoria in conjunction with Indigenous people²⁷ were drawn to the attention of the Review. The Review believes that local government areas should be encouraged to do more than just participate in Indigenous cultural awareness programs, ceremonies around National Aboriginal and Islander Day Observance Committee (NAIDOC) week, Aboriginal flag raising, acknowledging traditional owners and ownership. The application of Recommendation 201 should be enhanced to enable increased applicability to local government in Victoria. This could be achieved by including recommendations on training and employment of Indigenous people, delivery of a range of services, and recommendations on health and well-being.

In developing the capacity of the community to participate in partnership with government there needs to be a common understanding of what is required of both parties. Essential to the partnerships between government and community is a set of common principles, as Government has already agreed to in June 2000 in the *VAA*, which could be enshrined in other forms of agreement between the Indigenous community and other government departments.

²⁷ An example is the submission received from the City of Dandenong (2004).

Recommendation 23.

- That the Victorian Government, in partnership with the Indigenous community:
 - (a) develop and enshrine in legislation a policy on self-determination that is supported by a set of foundation principles and protocols (modelled on those contained in the *Victorian Aboriginal Justice Agreement* and other partnership strategies between the Victorian Government and Indigenous Community) on which Indigenous policies and programs are developed and implemented (Recommendation 188 relating to the application of the self-determination principles to policies and programs);
 - (b) and Australian Governments work together to provide Indigenous community organisations with resources to access management training (Recommendation 197 relating to the training of staff in Aboriginal organisations);
 - (c) develop a strategy to ensure that the local government sector has a greater participation and accountability in reducing Indigenous disadvantage (Recommendation 201 relating to models for local governance);
- That the Department for Victorian Communities (Aboriginal Affairs Victoria):
 - (a) provide information on funding of Indigenous services and programs to the Indigenous community to the Aboriginal Justice Forum; and
 - (b) establish a website consolidating all Indigenous programs, related guidelines and applications; and
- That the Victorian Government continue to implement and monitor Recommendations 188, 190-199, 200-204 through any monitoring process established as a consequence of this Review.

5.9 Land Needs and Cultural Survival

In its Report, the Royal Commission continually referred to the interaction between the different factors which it saw as constituting the underlying influences behind the over-representation of Aboriginal people in custody. While it conceded that, at first sight, the role of failure to meet Aboriginal land needs in this complex process might not be immediately obvious, it was nonetheless persuaded that such 'needs' (a term it preferred in this context to 'rights') were critical. *(T)he many dimensions of the land issue, it pointed out, repeatedly emerge both as direct and indirect factors in the matters investigated by the Commission* (Royal Commission, 1991b, Vol. 2, Chapter 19 Intro: 467).

The significance of land in producing over-representation or, more optimistically, in countering it, was seen by the Royal Commission as varying in different parts of the country. In some places the greatest importance of land tenure lay in its role in preserving cultural life, ritual responsibilities and the protection of culturally significant sites (Royal Commission, 1991b, Vol. 5, 37.1). For Aboriginal people in more densely settled areas, such as Victoria, however, more significance was attached to land rights because of the connection with family, community, health and economic self-sufficiency. The Victorian Aboriginal Investigation Unit (AIU) clearly saw community sentiment in that State as leaning in the latter direction:

While culture is vital in this sense, land rights is seen as an ultimate necessity which would provide an economic base to reduce financial dependency and allow for long term planning and development, allowing communities to be self-determining. It is seen as the basis for improvement in all areas (Royal Commission, 1991b, Vol. 2, 19.1.22).

While the significance of land might differ for Aboriginal people according to the different circumstances prevailing in different parts of the country, the Commission was nonetheless firmly of the view that it is a unifying theme and one of direct relevance to the high numbers of Aboriginal people in custody:

Whilst the particular priorities with respect to land differ as between Aboriginal people, they are united in their view that land, whether under the banner of land rights or not, is the key to their cultural and economic survival as a people ... it was the dispossession and removal of Aboriginal people from their land which has had the most profound impact on Aboriginal society and continues to determine the economic and cultural well-being of Aboriginal people to such a significant degree as to directly relate to the rate of arrest and detention of Aboriginal people (Royal Commission, 1991b, Vol. 2, 19.1.1).

Although land dispossession may have had the *profound* effects cited above, the Commission by no means underestimated the broader aspects of Aboriginal culture as part of the key to reducing custody rates. Aboriginal Investigation Units (AIU) reporting to the Commission *consistently identified the need to preserve culture, and hence identity, as critical if Aboriginal self-esteem was to be maintained in the face of the pressures of the broader society* (Royal Commission, 1991b, Vol. 2, 11.12.22). The Victorian AIU was explicit:

Kooris in Victoria, ... have been dispossessed of land, relocated, separated from families and had their children forcibly removed. In addition, name

changes and denial of language and culture, ongoing application of the assimilation policy in the administration of Aboriginal Affairs have combined to have a devastating result for Kooris today. Much of the community has been dispersed by force or through economic necessity. Still, Kooris and Koori culture have survived against the odds (Royal Commission, 1991b, Vol. 2, 11.12.9).

To address these issues the Royal Commission made a series of Recommendations dealing with questions of land needs and broader aspects of Aboriginal culture. On the question of land, it noted that the processes by which land needs are met should be flexible enough to accommodate the differing needs and priorities of all Aboriginal people. Significantly, it also concluded that the recognition of land needs by non-Aboriginal people is an important element in effecting a change in race relations in Australia.

On the specific cultural front the Commission's Recommendations addressed questions of Aboriginal identity, the importance of the National Aboriginal Language Policy, the recording and communication of the history, traditions and contemporary culture of Aboriginal society, including the protection and marketing of Aboriginal art and artefacts, and the care and access to the records of the Commission. The Recommendations also aimed to address the negative view Aboriginal people have of the functioning of the media and suggests how the media and the Aboriginal community could enter into a dialogue to further mutual understanding.

The relevant Recommendations and the self-assessed implementation status reports from Victorian Government departments are set out below in full. It should be noted that for a number of Recommendations, implementation is primarily a Commonwealth responsibility. However, where the Victorian Government has taken action that contributes to the implementation it is reported here against those Recommendations. They constitute the basis upon which the implementation status was determined. This material represents the reports on progress in addressing the Recommendations and is available to the community through this Review. Community responses and the Review comments and recommendations follow.

5.9.1 Royal Commission Recommendation and Implementation Status

	Recommendation	Implementation status 2003
334	That in all jurisdictions legislation should be introduced, where this has not already occurred, to provide a comprehensive means to address land needs of Aboriginal people. Such legislation should encompass a process for restoring unalienated Crown land to those Aboriginal people who claim such land on the basis of cultural, historical and/or traditional association.	Partially implemented (CLM-DSE) Partially implemented (NTU-DOJ)
335	That in recognising that improvement in the living standards of many Aboriginal communities (especially for those people living in inadequate housing and environmental circumstances on the fringes of towns and on other discrete areas of Aboriginal occupation of land) cannot be ensured without the security of land title, governments provide, by legislation and/or administrative direction, an accelerated process for the granting of land title based on need.	Classified as not relevant to Victoria (P&SP-DHS) Partially implemented (NTU-DOJ) Partially implemented (CLM-DSE)
336	That unalienated crown land granted on the basis of cultural, historical and/or traditional association of Aboriginal people should be granted under inalienable freehold title and should carry with it the right of the Aboriginal owners to, inter alia: (a) Determine who may enter the land and the terms of such entry; and	(a) and (b) partially implemented (CLM-DSE)

	Recommendation	Implementation status 2003
	(b) Control the impact of development on the land in so far as such development may threaten the cultural and/or social values of the Aboriginal owners and their communities.	(a) and (b) partially implemented (NTU-DOJ)
337	That governments recognise that where appropriate unalienated crown land is unavailable to be claimed on grounds of cultural, historical or traditional association with the land or where, due to the processes of the history of colonisation, Aboriginal people are no longer able to, nor seek to, make claims to particular areas of unalienated crown land on the basis of cultural, historical or traditional association there remain land needs of Aboriginal people which should be met by governments. These needs should be accommodated by a process which: (a) Enables Aboriginal communities or groups to obtain secure title to unalienated crown land or to purchase land for social, recreational and community purposes (including the obtaining of additional land in circumstances in which an Aboriginal community is on Aboriginal land but where the area of that land is established as being too small to accommodate the community); (b) Enables Aboriginal communities or groups to obtain secure title to land so as to improve the environmental circumstances in which they live; (c) Provides adequate funding in order that land may be purchased on the open market in pursuance of the needs identified in paragraphs (a) and (b); and (d) Where pastoral land is held on lease from the Crown, permits Aboriginal communities traditionally or historically associated with the land to have priority when leases come up for renewal.	(a), (b) and (c) partially implemented, (d) no longer relevant (CLM-DSE) (a), (b), (c) and (d) all partially implemented (NTU-DOJ)
338	That as an interim step all land held under leasehold, being former Aboriginal reserve or mission land and being now held for or on behalf of Aboriginal people, be forthwith transferred under inalienable freehold title to the present leaseholder(s) pending further consideration by Aboriginal people as to the appropriate Aboriginal body which should thereafter hold the title to such land.	Classified as not relevant to Victoria (CLM-DSE)
55	That government and funding bodies reflect the importance of the National Aboriginal Language Policy in the provision of funds to Aboriginal communities and organisations.	Partially implemented (DE&T)
56	The Commission notes that many Aboriginal people have expressed the wish to record and make known to both Aboriginal and non-Aboriginal people aspects of the history, traditions and contemporary culture of Aboriginal society. This wish has been reflected in the establishment of many small local community museums and culture centres. The Commission notes that many opportunities exist for projects which introduce non-Aboriginal people to Aboriginal history and culture. One illustration is the work done by the Kauma people in South Australia to restore the Tjilbruk track; another is the Brewarrina Museum. The Commission recommends that government and appropriate heritage authorities negotiate with Aboriginal communities and organisations in order to support such Aboriginal initiatives.	Fully implemented (AAV-DVC)
57	That Governments agree that: (a) The records of the Commission be held in archives in the capital city of the state in which the inquiry, which gathered those records, occurred; and (b) A relevant Aboriginal body, for example the Aboriginal Affairs Planning Authority in the case of Western Australia, be given responsibility for determining access to the material jointly with the normal authority for determining such matters.	Fully implemented (PRO-DVC)
205	That: (a) Aboriginal media organisations should receive adequate funding, where necessary, in recognition of the importance of their function; and (b) All media organisations should be encouraged to develop codes and policies relating to the presentation of Aboriginal issues, the establishment of monitoring bodies, and the putting into place of training and employment programs for Aboriginal employees in all classifications.	Classified as not relevant to Victoria
209	That continuing support should be given to Aboriginal organisations such as the Aboriginal Arts Board in their endeavours to protect the interests of Aboriginal artists and to ensure the continuing expansion of the production and marketing of Aboriginal art and craft work.	Fully implemented (AAV-DVC) Partially implemented (KBN-DIIRD)
315	That the recommendations submitted to the Conservation and Land Management meeting (held at Millstream on 6-8 August 1990) by representatives of Aboriginal	C with responsibility

	Recommendation	Implementation status 2003
	<p>communities and organisations be implemented in Western Australia upon terms to be negotiated between Aboriginal people and appropriate Aboriginal organisations and communities on the one hand and National Park authorities on the other so as to protect and preserve the rights and interests of Aboriginal people with cultural, historical and traditional association with National Parks. The recommendations proposed at the Millstream meeting were:</p> <ul style="list-style-type: none"> (a) The encouragement of joint management between identified and acknowledge representatives of Aboriginal people and the relevant State agency; (b) The involvement of Aboriginal people in the development of management plans for National Parks; (c) The excision of areas of land within National Parks for use by Aboriginal people as living areas; (d) The granting of access by Aboriginal people to National Parks and Nature Reserves for subsistence hunting, fishing and the collection of material for cultural purposes (and the amendment of legislation to enable this, where necessary); (e) Facilitating the control of cultural heritage information by Aboriginal people; (f) Affirmative action policies which give preference to Aboriginal people in employment as administrators, rangers, and in other positions within National Parks; (g) The negotiation of lease-back arrangements which enable title to land on which National Parks are situated to be transferred to Aboriginal owners, subject to the lease of the area to the relevant State or Commonwealth authority on payment of rent to the Aboriginal owners; (h) The charging of admission fees for entrance to National Parks by tourists; (i) The reservation of areas of land within National Parks to which Aboriginal people have access for ceremonial purposes; and (j) The establishment of mechanisms which enable relevant Aboriginal custodians to be in control of protection of and access to sites of significance to them. 	
316	<p>That the relevant Governments, in consultation with relevant Aboriginal organisations give consideration to funding the establishment of a small unit, comprising Aboriginal people drawn from northern Western Australia, the Northern Territory and northern Queensland, which would be based in the northern part of the country. The function of the unit would be to study, in consultation with the residents of remote communities in those areas, the means of achieving greater self-sufficiency in those communities. The Unit would have the task of keeping remote communities advised of successful initiatives achieved in other communities and assisting remote communities in the preparation of their community plans, so as to assist them in developing economic independence, or at least a greater degree of self sufficiency.</p>	Classified as not relevant to Victoria

Government Responses on Implementation

Recommendation 334: Processes for restoring, granting and purchasing land

Crown Land Management (DSE) advised the Review that AAV, in conjunction with the DSE, DOJ, DTF and DPC, is currently developing a policy for Government approval that will provide a framework for addressing the land aspirations of Aboriginal people. Whether that process will require legislative change is not clear at this stage.

Since the enactment of the *Native Title Act 1993* (Commonwealth) DSE has been involved in negotiations with claimant group in order to mediate the resolution of Native Title claims. To date these negotiations have included the granting of Crown land in freehold title in the resolution of one claim and it is envisaged that, in some cases, land that is of significance to the Native Title group may also result in the transfer of land in fee-simple.

Existing legislation such as the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* and the *Archaeological and Aboriginal Relics Preservation Act 1972* assists Aboriginal communities and provides protection of Aboriginal cultural property whether it is on Crown or freehold land across Victoria.

Implementation within DSE of the Indigenous Partnership Strategy. This strategy is designed to improve Aboriginal well-being through the development of partnerships to achieve Aboriginal aspirations for land, culture, heritage, family and community. This strategy forms the basis for the development of the *Addressing Dispossession* policy framework. The Indigenous Partnership Framework will also provide for the development of an effective framework for a range of initiatives intended to assist the department in examining its existing policies and services in engaging more effectively with Indigenous communities. There are eight key strategic initiatives in which will assist the engagement of DSE in developing an effective partnership with Victoria's indigenous communities. These are:

- Indigenous Cultural Awareness Program;
- Indigenous Community Partnership;
- Capacity Building of Victoria's Indigenous Communities;
- Cultural Heritage, Land and Natural Resource Management;
- Indigenous Employment;
- Indigenous Economic Development;
- Communication;
- Development of Indigenous Community Profiles.

Strategy for Aboriginal Managed Lands in Victoria (SAMLIV) presents information on Aboriginal owned and managed land throughout Victoria. The SAMLIV main objectives have been to identify:

- land in Victoria under Aboriginal control (defined widely to include freehold private ownership, communal titles, leasehold and joint management arrangements; and
- land holders priorities and aspirations for using/developing their lands, as well as hurdles to pursuing these priorities (e.g. environmental problems, capacity needs, planning and resource needs).

The DSE will integrate the report into new policy developments such as the Indigenous Land Management Framework and Indigenous Partnership Framework. Indigenous Land Management Framework – Discussion Paper forms a key component of the Aboriginal Land & Resource Development Strategy. Its purpose is to provide mechanisms to address the land and resource management aspirations of Indigenous Victorians. It provides a framework that will allow government to develop appropriate policy which will provide a solid basis for it to focus on the aspirations of Indigenous Victorians.

Any transfer of Crown land to Aboriginal communities, as with any other member of the community, can only be done once Native Title issues have been addressed. The State will also have to deal with other stakeholders, which may require legislative changes, before any transfer of land can occur.

The Unit advised that, although the *VAA* mentions that land is seen as necessary for survival and cultural identity, and to establish a vibrant economic base that can provide self-

management and assure socioeconomic advancement, there are very few initiatives identified that appear to address this issue.

Native Title Unit (DOJ) advised the Review, that the Government has a policy direction for *Aboriginal Land and Resource Development Strategy* (previously known as *Addressing Dispossession*) in Victoria, which is the responsibility of AAV in partnership with DSE. In dealing with Native Title policy, the Government notes the dispossession of Aboriginal land and proposes the restoration of land to Native Title applicant groups as part of settlement of claims. One claim has a settlement package including restoration of some crown land.

However, there is relatively little vacant crown land in Victoria and Native Title applicant groups do not necessarily represent all groups of Aboriginal people seeking restoration of land.

Recommendation 335: Processes for restoring, granting and purchasing land

Native Title Unit (DOJ) advised the Review that improvement in the living standards of many Aboriginal communities cannot be ensured without the security of land title. To address this, governments provide an accelerated process for the granting of land title based on need. However, need is not a criteria for applications for a determination of native title.

See Recommendation for 334 for the remaining part of **Native Title Unit (DOJ)** response.

Crown Land Management (DSE) – refer to the response to Recommendation 334.

Policy and Strategic Projects (DHS) advised the Review that the Department of Justice leads Native Title work in Victoria. The situation referred to in this Recommendation does not apply to Victoria. Alternative living conditions and housing standards are available to Indigenous people through a number of Housing Programs, for example, the Community Housing Infrastructure Program (CHIP), Aboriginal Housing Rental Program, and mainstream housing programs. Through the ATSIC process Indigenous families have access to various housing purchasing schemes.

P&SP (DHS) further advised the Review that ATSIC is no longer responsible for housing purchasing schemes. The ATSIC Housing Fund is now under ATSIS and Community Housing and Infrastructure under FACS.

Recommendation 336: Granting of Crown Land

Crown Land Management (DSE) - Refer to response to Recommendation 334.

Native Title Unit (DOJ) advised the Review that:

- (a) Unalienated crown land granted on the basis of cultural, historical and/or traditional association of Aboriginal people should be granted under inalienable freehold title and should carry with it the right of the Aboriginal owners to, *inter alia*:
 - Determine who may enter the land and the terms of such entry; and
 - This does not relate to applications for determinations Native Title lodged in the Federal Court covering areas of land in Victoria – inalienable freehold may not relate to a Native Title right or interest in land.

The Government has a policy direction for *Aboriginal Land and Resource Development Strategy* in Victoria. The policy initiative is the responsibility of AAV and the DSE. In dealing with Native Title policy in Victoria, Native Title Unit notes the dispossession of Aboriginal people and proposes the restoration of land to Native Title applicant groups as part of settlement of claims.

- (b) Control the impact of development on the land in so far as such development may threaten the cultural and/or social values of the Aboriginal owners and their communities. This may be reflected in Native Title rights and interests if proven. See paragraph two above.

Recommendation 337: Other processes for acquiring land

Crown Land Management (DSE) advised the Review that (a) AAV, in conjunction with the DSE, DOJ, DTF and DPC, is currently developing a policy for Government approval that will provide a framework for addressing the land aspirations of Aboriginal people.

There are seven Indigenous Land Use Agreements registered in Victoria. They mainly relate to developments on Crown land although one involved the grant of freehold title as part of the settlement of a native title claim. Negotiate native title outcomes, in some instances, may result in the transfer of land in fee-simple that is of significance to the Native Title group.

Implementation within DSE of the Indigenous Partnership Strategy. This strategy is designed to improve Aboriginal well-being through the development of partnerships to achieve Aboriginal aspirations for land, culture, heritage, family and community. This strategy forms the basis for the development of the *Aboriginal Land and Resource Development Strategy* policy framework.

The Indigenous Land Corporation (ILC) is an independent Commonwealth statutory authority, which was established in 1995. Since 1997 it has purchased 24 properties, approximately 3,900ha, in Victoria.

- (b) See responses to Recommendation 337(a)
- (c) See responses to Recommendation 337(a)
- (d) Not applicable as there is no pastoral land held on lease in Victoria.

Native Title Unit (DOJ) advised the Review that this does not relate to applications for determinations Native Title lodged in the Federal court covering areas of land in Victoria. The Government has a policy direction for *Aboriginal Land and Resource Development Strategy* in Victoria. The policy initiative is the responsibility of AAV in partnership with DSE. In dealing with Native Title policy in Victoria notes the dispossession of Aboriginal and proposes the restoration of land to native title applicant groups as part of settlement of claims. One claim has a settlement package including restoration of some crown land (2002).

However, there are implementation difficulties in that there is relatively little vacant crown land in Victoria. Native Title applicant groups do not necessarily represent all groups of Aboriginal people seeking restoration of land.

Recommendation 338: Aboriginal reserves and missions

Crown Land Management (DSE) advised the Review that this Recommendation is no longer relevant as the difficulty in Victoria with implementing this recommendation is that there are very few former Aboriginal reserves or mission lands that are on Crown land. None of them are currently held under leasehold for or on behalf of Aboriginal people.

Recommendation 55: National Aboriginal language policy

DE&T advised the Review that the Victorian Aboriginal Corporation for Languages is responsible for coordinating community language programs throughout Victoria. This involves retrieving, recording and researching Aboriginal languages and providing a central resource on Victorian Aboriginal Languages.

In 2002, the Indigenous Languages of Victoria (Retrieval and Reclamation Pathway) Study Design was developed. A Victorian Indigenous language, for which language material is currently available, is identified as possible focus for study. It is proposed that the Study Design will be accredited in June 2003 for delivery in 2004. Participants in DE&T's Koori Middle Years and Early Years Literacy Links Projects have started to consider the relevance of using video conferencing with students to promote language awareness and retrieval.

In 2002, the Language Other Than English (LOTE) Analysis Report was released and School Network Languages Plans (NLPs) were to be developed to ensure greater choice and coordination, and improved delivery of language programs at the local level. Indigenous languages, including language retrieval programs, were to be included and supported through the relevant NLPs. Community involvement regarding the retrieval and teaching of Indigenous languages is essential, as such any work with Indigenous languages requires the endorsement and support of local communities before considering their introduction to schools.

Recommendation 56: Koori history, traditions and contemporary culture

AAV (DVC) advised the Review that the Indigenous Community Resources Infrastructure Program (ICIRP) provides Indigenous communities with the infrastructure they require to run programs and provide services to their members. The ICIRP has been used to develop a range of Keeping Places including the Koori Heritage Trust, Melbourne.

The Victorian Regional Cultural Heritage Program is aimed at increasing Indigenous participation in the management, protection and promotion of their cultural heritage. The program is managed on a regional basis by five community appointed Indigenous boards, which together employ 20-25 full and part-time staff in cultural heritage related positions. Under this program, AAV provided funding for the provision of management plans for culturally significant areas including Tyrendarra, Bumbang Island, and Lake Bolac stone arrangement. Funding was also provided for protection and management works at heritage sites at Lake Tyers, the former Ebenezer Mission and other locations.

Museum Victoria cares for the State's Indigenous collections. Bunjilaka is the Indigenous section of the Melbourne Museum, where Indigenous Victorians are able to interpret their heritage to the public, through talks, exhibitions and other events.

In Victoria, Aboriginal people can gain supported access to government records relating to wardship and adoptions through community based family link-up services or directly with PROV and DHS Archival Services. Key initiatives that strengthen the State's capacity to meet the needs of Indigenous people seeking information about their families and communities include:

- The Victorian Koorie Records Task Force which advises the government on protecting and maintaining records related to the Stolen Generations. It has held regional and metropolitan forums on records access issues and produced *Finding Your Story: Services and Resources to Help Kooris Access Their Records*.
- The Koorie Family History Service and Recorded Testimonies Project provide a community-based service for Indigenous communities and individuals tracing their families. The Koorie Family History Service (incorporating the Recording Testimonies Project) is based at the Koorie Heritage Trust.

In general the Government's efforts in this area are not driven by Royal Commission into Aboriginal Deaths in Custody Recommendations rather they are an aspect of broader policy considerations related to enhancing Indigenous outcomes in respect to cultural heritage management, economic development and government Indigenous affairs policy commitments.

AAV (DVC) further advised that since 2001, AAV has worked in partnership with Aboriginal communities throughout Victoria to develop and implement about 20 projects under the Aboriginal Community Heritage Investigations Program (ACHIP).

Projects have been held at such diverse locations as Lake Tyrell, Cape Bridgewater, Wallpolla Island (near Mildura), Barrabool State Forest (near Horsham), Bundoora Park, Coopracambra National Park, the upper Snowy River, Gippsland Lakes and Bunyip State Park. Each project gives participants opportunities to share knowledge of local Aboriginal cultural heritage, develop technical skills that can lead to employment in areas such as cultural heritage monitoring (on infrastructure development projects) and land/natural resource management, and participate in detailed field investigations.

The achievements of ACHIP since 2001 include: providing training to more than 280 Aboriginal community members; documentation of more than 650 Aboriginal cultural heritage places and sites; and substantial contributions to knowledge of Victoria's Aboriginal cultural heritage.

The Regional Cultural Heritage Program (RCHP) sponsored by AAV and managed by Aboriginal community bodies, employs more than 20 Aboriginal people throughout Victoria. The capacity of RCHP staff to deliver cultural heritage services is being enhanced by access to electronic copies of AAV's Heritage Registry records. AAV staff are delivering training in use of these systems.

Computer-based access to this large body of data (over 24,000 records) facilitates local management of that information by Aboriginal community members, and promotes recognition of Aboriginal community organisations as the principal custodians of knowledge relating to their cultural heritage.

A key component of the KFHS is the Recorded Testimonies Project (RTP). The RTP is an oral history program focused on recording oral accounts and personal stories from individuals separated from family, community and/or culture. This will provide a historical account of the impacts of Stolen Generation policies from a personal perspective.

To complement the RTP, AAV entered into a separate agreement with the Trust in 2003 to produce an interactive CD-ROM specifically aimed at addressing the needs of the Stolen Generations. The CD-ROM will include:

- a history of Aboriginal Victoria;

- the impacts of colonisation, particularly in relation to the policies and practices of child removal;
- first-hand accounts of reconnection to family, community and culture; and
- relevant service delivery contact and information.

In partnership with AAV PROV is producing *Finding Your Story: A Resource Manual to the Records of Stolen Generations in Victoria*. *Finding Your Story* will provide a comprehensive and cohesive resource to government and non-government archival and record collections in Victorian relevant to the Stolen Generations and their families. Many Koorie people in custody were removed from their families as children. *Finding Your Story* will be useful and practical, being written and presented in a clear, concise and culturally appropriate manner achieved by extensive input from Koorie stakeholders. As well as in printed form, *Finding Your Story* will be made available on the PROV website. *Finding Your Story* will be launched in June 2005.

The Victorian Koorie Records Taskforce will be providing the Victorian Government with a report on the existing situation of access to records by Koories in Victoria and to make recommendations for the development and implementation of programs and projects that address relevant recommendations from Chapter 16 of the *Bringing them Home Report*. The Report and its recommendations will form an integral part of the success of a new Stolen Generations Organisation to be established in 2004 with \$2.1 million funding from the Victorian Government. The reports recommendations would work in tandem with the recommendations of the Victorian Koorie Records Taskforce to provide a comprehensive response to the issues of Indigenous access to records raised in the *Bringing them Home Report*.

Recommendation 57: Access to the Commission's records

PROV (DVC) advised the Review the records created by the Royal Commission are the responsibility of the National Archives of Australia, are held in every office of the National Archives, and records made publicly available at the time of the Commission such as transcripts are open for public access. Records not published by the Commission are closed to public access for 30 years under the *Archives Act 1983*. If a person who gave evidence at the Commission wishes to access records relating to their testimony there are provisions in place for this at the National Archives.

Recommendation 205: Improving relations with the media

This Recommendation was classified as not relevant to Victoria according to the Victorian Government 1996-1997 Implementation Report

Recommendation 209: Protection and marketing of Koori art and artefacts

AAV (DVC) advised the Review that this Recommendation has been implemented previously, but has since received further assistance and support from the KBN to ensure the continuing expansion of the production and marketing of Indigenous art and craft. KBN supports the development of the Indigenous business sector with network-based services including an Aboriginal Arts Distribution Project. KBN works with Arts Victoria and the Australia Council, and a series of regional workshops have been held on business planning and marketing, and research into Indigenous product distribution.

The Koori Community Fund, (KCF) is managed by AAV and complements a new program, the Indigenous Community Capacity Building Fund, (ICCBF), a \$1.75 million Victorian Government commitment available over three years. The Fund makes available one-off

financial grants of up to \$50,000 to Indigenous community organisations to develop projects/programs that provide flexibility, long-term benefits to their community and have the capacity to establish links with other Indigenous organisations or mainstream agencies. It involves a joint committee, comprising representatives from ATSIC and Aboriginal Affairs Victoria who assess a range of applications. Several of those grants promote this Recommendation. The KCF has now been incorporated into the ICCBF for administrative purposes only.

The **KBN (DIIRD)** advised the Review of the *Deadly Arts Business Project* that it delivers with Arts Victoria, in conjunction with the Australia Council's Aboriginal Arts Board. An evaluation of the *Deadly Arts Business Project* in 2003, found the employment of regional Koori Business Network Aboriginal Business Developmental Officers had facilitated the consultation process with the Indigenous communities.

Deadly Arts Business I has been completed and evaluated. One of the key outcomes of *Deadly Arts Business I* was the agreement between Arts Victoria and the KBN to co-fund a full time Aboriginal Arts Industry Officer shared between those two organisations. The Industry Officer has been employed since January 2005 and is delivering *Deadly Arts Business*.

Recommendation 315: Involvement of Aboriginal people in National Parks

Parks Victoria (DSE) advised the Review that the Royal Commission into 'Aboriginal Deaths in Custody, commented that National Parks *offer great potential to allow Aboriginal people to become involved in land management activities*, and Recommendation 315 of the Royal Commission identifies 10 initiatives that National Park management authorities should introduce. In 1995, the Victorian Government supported this Recommendation and listed a number of existing and proposed initiatives.

Parks Victoria was established in 1996 and is a statutory authority that reports to the Minister for Environment. Since its establishment, Parks Victoria has developed a strong reputation nationally and internationally as a leading park management agency. Parks Victoria is the custodian of a diverse estate of significant parks in Victoria and the recreational management of Port Phillip Bay, Western Port and the Yarra and Maribyrnong Rivers and manages 4.1 million hectares of parks and reserves on behalf of Victorians. \$960 million is the net contribution of parks and reserves to the Victorian economy (*Economic Assessment of Recreational Values of Victorian Parks*, Read Sturgess & Assoc. Consulting Economists, 1999).

In the period since 1995, the Victorian Government through Parks Victoria has engaged, and will continue to consult and engage, Aboriginal communities in all aspects of park management in a number of ways. Parks Victoria's approach to working with Indigenous communities is presented in its 'Draft Indigenous Partnership Strategy' (IPS). The Strategy was released for consultation in May 2004.

The IPS has been developed to assist in breaking down barriers and to facilitate opportunities for 'real' involvement of relevant Indigenous communities in the management of Victoria's parks as part of 'Caring for Country'. The Strategy is as much about cultural and attitudinal change in Parks Victoria as much as it is about how Parks Victoria is going to develop partnerships and work toward co-operative management in Victoria.

The Draft Strategy contains eight 'Platforms':

1. Relationships and Partnerships with Indigenous Communities.
2. Cross-Cultural Awareness and Learning Exchange Program.
3. Indigenous Employment and Training.
4. Managing Indigenous Cultural Heritage and Environmental Values.
5. Tourism, Information, Interpretation and Education.
6. Koori Business.
7. Native Title.
8. Internal Co-ordination.

The development of this Strategy celebrates a new era and represents a significant milestone in Parks Victoria's commitment to set directions and priorities to guide relationships and partnerships with Indigenous communities; including:

Acknowledgement of Country & Indigenous Traditional Owners:

Parks Victoria respectfully acknowledges the Traditional Owners as the original owners of what is now known as Victoria; their rich living culture, deep affinity with the land and their spiritual connection to it. Parks Victoria is committed to establishing strong relationships and partnerships with the descendants of the original custodians to facilitate their active involvement in the future management of protected areas in Victoria.

Indigenous Partnerships Branch:

The Branch was established to profile and develop Indigenous partnerships as a separate output group within the National Parks Division and focuses on developing relationships and partnerships and building capacity and confidence in park staff and Indigenous communities to work together. The Branch is also responsible for the state-wide Indigenous Management Team. The Team has a current membership eight Indigenous and seven non Indigenous staff. It provides advice to Parks Victoria on Indigenous matters and assists in establishing consistent approaches to Indigenous relationships and input to policies and programs for state-wide application.

Employment and Training:

Employment

Parks Victoria currently employs 49 Indigenous on-going and fixed term staff. This represents approximately 4.8 per cent of the Parks Victoria workforce. Parks Victoria's commitment in its Indigenous Partnership Strategy is for a minimum 'target' of 7 per cent permanent Indigenous staff over the next three years. Parks Victoria also commits to maintain this minimum percentage level and to work towards representation in all areas and at all levels within the organisation.

Indigenous Employment & Training Officer

An Indigenous person has been employed as the Indigenous Employment & Training Officer in Parks Victoria's Corporate Strategy & Services Division, Human Resource Branch.

Cadetships

Parks Victoria will continue to sponsor the National Indigenous Cadetship Program in Park Management. Currently, one Indigenous cadet is participating in a Parks Management

degree course at Charles Stuart University in Albury and will work for Parks Victoria during the semester break. On successful completion, the cadet will be offered a permanent position with Parks Victoria.

Other Training Initiatives:

- One Indigenous staff member is currently completing a Degree in Park Management at Deakin University under the Parks Victoria Staff Scholarship Program.
- Currently, 20 Indigenous staff are participating in Level 3 Certificate in Conservation and Land Management at the Northern Metropolitan TAFE.

Contract:

Cross-Cultural Awareness and Learning Exchange Program (CCA&LEP):

- Approximately 46 per cent of staff have participated in this program to date. Parks Victoria commits to having all staff complete the Core/Local two-day course over the next three years.
- Approximately 50 per cent of all Parks Victoria staff will also participate in the Specialist Program.
- Where appropriate staff will also participate in the Team Development Program components of CCA&LEP where Parks Victoria and Indigenous communities are working in partnership arrangements, for example, Brambuk, the National Park and Cultural Centre or with the Yorta Yorta Joint Management Body.

The overall program is jointly developed and facilitated and tailored to suit individual Indigenous community aspirations and key Parks Victoria outcomes. It is run at Indigenous community facilities. The CCA&LEP is National Training Accreditation.

Representation on advisory and technical committees:

- There is Indigenous representation on the Parks Advisory Committees, all Traditional Owner communities and Co-operatives are represented on the Grampians–Gariwerd NP Advisory Committee, with others being established at Wilson's Promontory, Yiruk and Wamoon and Yarra Valley others are being considered and implemented where communities are comfortable and have the capacity to be involved.
- There is also Indigenous representation on key technical and scientific committees, eg State of the Parks Scientific Committee and the Alps Fire Rehabilitation Steering Group and the Marine Parks Planning Advisory Groups.
- There is continued government support for an Indigenous Member on the Parks Victoria Board.

Co-operative Management:

- Parks Victoria takes a proactive approach and commits to engaging with and involving Indigenous communities in all aspects of park management. It seeks to create strong relationships and working partnerships for day-to-day management and utilise 'Memoranda of Understanding' where more 'formal' agreements are agreed.
- Parks Victoria provides input to 'whole-of-government' approaches to establishing as part of native title and non-native title mediation. Parks Victoria staff participated in the ceremony at Echuca in May 2004 to launch the Yorta Yorta Co-operative Management Agreement. Parks Victoria will have a representative on the Yorta Yorta Joint Management Body.

- Parks Victoria continues to participate proactively with respect to the formal native title processes which are lead by the DOJ (Vic) for the Wotjobaluk and Gournditch-mara native title mediation and provides input to the following native title applications: Wadi Wadi, Wamba Wamba, Barapa Barapa, Yupagalk, Dja Dja Wurrung, Gunai, Kurnai, Boonerwung, Bidwell, Latji Latji, Robinvale, Taungerong, and others as appropriate. The engagement and establishment of solid relationships with communities by Parks Victoria assists the whole of government in its Native Title negotiations and any subsequent outcomes.

Management Planning:

When preparing park management plans, Parks Victoria consults with all relevant Indigenous communities as a matter of course. There was two years of liaison with and input from Traditional Owners Groups and relevant Indigenous communities into the development of the newly released Grampians-Gariwerd National Park and the Discovery Bay Coastal Parks Management Plans.

Parks Victoria has also developed an Indigenous management plan framework as a (minimum) standard template for all new management plans. This is framework is being utilised in the new Marine National Parks and Sanctuaries, the Box Iron Bark management plan development processes and the Cape Conran Coastal Park Plan. The management plans not only have a separate section on 'Indigenous Cultural Heritage Values' which incorporates all aspects of Indigenous peoples traditional and contemporary needs and aspirations, with each plan seeks to incorporate their rights and aspirations throughout all sections of the plans, seeking true partnerships in management planning and implementation.

Partnership Management Arrangements:

Parks Victoria has entered into the following co-operative management arrangements:

- Partnership Agreement with Indigenous communities of the Grampians-Gariwerd National Park for the visitor precinct and the joint management of the two buildings now managed as Brambuk the National Park and Cultural Centre. This includes funding of \$2.7 million from Victoria's Regional Infrastructure Development Fund for site development, new buildings and facilities;
- Recognition and Acknowledgment of 'Traditional Owners' & Native Title determination applicants and other relevant Indigenous communities interests, rights and aspirations in all aspects of park management;
- Gournditch-mara community participate as partners in the Mount Eccles-Budj Bim National Park Koala management program and provide contract employment for Indigenous and non-Indigenous staff;
- Participation and support to the Gournditch-mara community in south-west Victoria in listing of Lake Condah Wildlife Reserve and Mount Eccles-Budj Bim National Park on the new National Heritage Register for inclusion on the National Estate;
- Lease agreement for the visitor centre and for tourism activities at Tower Hill State Game Reserve (west of Warrnambool in south-west Victoria) with the Worn Gundidj Aboriginal Cooperative Ltd;

Fire Management and Rehabilitation:

- Australian Alps (Victoria) Post Fire Archaeological and Anthropological/Oral History Surveys: Parks Victoria in partnership with Traditional Owner groups and other relevant Indigenous communities, AAV, DSE and DPI and the Consultant Archaeologist Team

have successfully completed post fire archaeological and anthropological/oral history surveys and research and site protection fire rehabilitation program;

- Seven Traditional Owner communities and all relevant Co-operatives scheduled under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Commonwealth)* participated. Approximately 350 new sites were recorded, some in excess of 8,000 years before present many are kilometres long and wide. A whole 'new' picture of the Alps recognition of Indigenous knowledge, traditions, travel routes, camp sites and customs – the 'real' history of the Victorian Alps being brought out and able to be told along side history of the last 150 years;

Other initiatives:

- Inclusion of Indigenous communities aspirations and needs into park Work Programs & Ecological & Fuel Reduction Planning and Burning;
- Joint Cultural Heritage Survey Program with relevant Traditional Owners and Indigenous communities and AAV;
- Joint Interpretation, Information and Education (II&E) research and materials and product development project with the Wotjobaluk community of the southern-Mallee and northern-Wimmera and Department of Justice, Native Title Unit;
- A draft Memorandum of Understanding & Protocols document being developed for day-to-day working with Indigenous communities;
- Over 9,000 cultural heritage sites and places are recorded within Parks Victoria managed estate, this equates to less than 1 per cent of the parks area survey. Some 25 major archaeological surveys and anthropological research projects have occurred since 1996, including at the Little Desert National Park (NP), Murray Sunset NP, Big Desert NP, Grampians-Gariwerd NP, You Yangs Regional Park, Discovery Bay Coastal Park, Coopracambra NP, Warrandyte State Park, Wilsons Promontory-Yiruk and Wamoon NP and Lake Boort Game Reserves. Traditional Owners and relevant Indigenous community members are employed, generally through a Scheduled Co-operative on these surveys and receive training and mentoring in report writing, survey techniques, site restoration, OH&S, first aid, Four Wheel Drive (4WD) and other relevant training.
- Three Traditional Owner communities provided a welcome to 'Country', presented papers and participated in the International Rangers Conference held at the Wilsons Promontory-Yiruk and Wamoon NP;
- Wimmera Indigenous Resource Management Partnership (WIRMP) this group was established 2000, in the Wimmera in partnership with the Wotjobaluk Traditional Land Council, DSE, and Parks Victoria to draw together other government agencies, local government and Native Title Services Victoria (formerly Mirimbiak) to work together and provide a one-stop-shop for handling enquires, particularly- future Acts under the *Native Title Act 1993 (Commonwealth)*, developing funding applications, joint projects and to ensure co-operative management on Wotjobaluk Country managed by the respective agencies. This group recently received an Innovation Award.
- Continuing liaison and working with the Koori Business Network of Small Business Victoria & Indigenous Business Australia, ensuring that Parks Victoria's business practices do not inadvertently disadvantage Indigenous businesses and exploring ways Parks Victoria can actively assist Indigenous businesses within legislation government policies;
- Parks Victoria facilitates an Indigenous Staff Training Forum to provide the opportunity for Indigenous staff to gain knowledge, confidence and direction and to provide feedback directly to Parks Victoria on aspirations, careers and issues of mutual interest or

concern. In 2004 the forum was held at Nioka Bush Camp at Plenty Gorge Park with over twenty-eight Indigenous staff attending. Four external Indigenous guest speakers and Parks Victoria Senior Managers addressed the forum.

- In partnership with the Wotjobaluk, DSE and Parks Victoria, staff from a range of government agencies and local government participated in a interagency Cross Cultural Awareness and Learning Exchange Program with the Wimmera Indigenous Resource Management Partnership (WIRMP) Workshop, the aim of which was to develop further working relationships and partnerships and working toward native title outcomes for the Wotjobaluk mediation with Government.
- Development and successful implementation of the Brambuk/Parks Victoria partnership 'Change Project' (Working Together) for Brambuk The National Park and Cultural Centre staff with Evonne Goolagong-Cawley as motivational speaker.
- Staff visited the Namadgi National Park in the ACT and Booderee National Park at Jervis Bay to discuss joint-management arrangements between parks staff and Indigenous communities that operate in both parks.
- Staff participated in a Commonwealth Indigenous Heritage Legislation Workshop in Canberra to discuss proposed new Commonwealth heritage legislation in relation to Indigenous heritage and sites and places being registered on the National Heritage List and to provide an opportunity for State and Territory government agencies to discuss Indigenous heritage assessment, management and protection and nominations.
- Working with various Correctional Services Victoria Units to provide opportunities for community based orders in for Indigenous people in parks.
- Commitment to work with communities with cultural heritage responsibilities scheduled under the *Aboriginal & Torres Strait Islander Heritage Protection Act 1984 (Commonwealth)* and other Indigenous peoples;
- Commitment to work with and seek the input of Traditional Owners and Native Title Determination Applicants in accord with the Native Title Act 1993, including the Future Acts component and to manage and maintain a transparent recording process for government audit;

Recommendation 316: Remote community self-sufficiency initiatives

This Recommendation was classified as not relevant to Victoria according to the Victorian Government 1996-97 Implementation Report.

5.9.2 Community Responses

In spite of a decade where there has been a variety of processes whereby Indigenous people can claim land, from the community responses elicited in the course of this Review, there is absolutely no doubt about the continuing importance attached by Indigenous people to the preservation and development and survival of their Indigenous culture. The following extracts from the contributions received by the Review are indicative:

The land needs of Victorian Aboriginal people have not been addressed and will not be addressed until real land rights and compensation is provided. Neither Native Title or Special Management deals are land rights and they should be seen as land rights (Aboriginal Housing Board of Victoria, 2004: 2)

It has been a disappointment to our organisation that in all the occurrences of the last twelve years, no specific Recommendation (from

the Royal Commission or the Council for Aboriginal Reconciliation) has been put to the Churches challenging them to directly assess their ministry and responses to Indigenous peoples and Indigenous justice issues such as land, employment and education. Symbolic recognition is certainly more widely spread, but any real leadership in practical change and the alteration of Indigenous disadvantage, is slow coming. Clearly the spiritual and cultural health of Australia's Indigenous peoples has been devastatingly affected by the ravages of the colonisation process. We believe absolutely that unless our spiritual and cultural practices are supported, endorsed and respected by non-Aboriginal Australia then they cannot be effectively used by Indigenous Australians as the basis of their endeavours to move away from the effects so clearly stated ... It is the hope of the ACMM that this Review into the implementation of the Recommendations can take into account the gaps we have identified (Aboriginal Catholic Ministry Melbourne, 2004: 2).

We are a multi-cultural society and we are the original land owners yet we are the minority in Australia and they [non-Indigenous and Government] don't want to go there with us (Metropolitan Melbourne).

According to the 2002 ABS Survey, almost half of Indigenous Victorians said they identified with clan, tribal or language group.

The proportion of Indigenous Victorians living in their homelands/traditional country has decreased from 23 per cent in 1994 to 14.5 per cent in 2002.

Time and again the connection to land and culture was reinforced by the Indigenous community:

What have we got if we can't come back to culture? (Regional Victoria).

We need to reinforce cultural identity with our youth (Regional Victoria).

We're also trying to re-establish our connections to our country. What happens is that whenever a woman becomes pregnant a male member of the community is nominated to be responsible for making a shield and the birthing tree. That man becomes responsible for that baby all through its life (Regional Victoria).

I believe that [our] language is so important to the kids (Regional Victoria).

We use role models from our community to teach our youth about respect, culture and traditions (Regional Victoria).

We have something significant – we have culture. Our culture is our power – we should use it more (Regional Victoria).

It would be a mistake however to infer from the foregoing that the experience of those consulted on the matter of maintaining and developing their Aboriginal culture was

overwhelmingly positive. Indeed, it would be fair to say that in this respect the burden of comment was predominantly negative:

We don't have enough cultural stuff to make our kids proud. It's not all about the colour of your skin either (Regional Victoria).

There are no programs in [Regional town] to teach our culture to our people. We once had Cultural Heritage Officers but they no longer exist (Regional Victoria).

There are up to sixty kids I know of that need support and cultural connectedness (Metropolitan Melbourne).

We need more cultural camps with our youth and Elders (Regional Victoria).

Cultural programs were not spoken about when the Royal Commission Recommendations were tabled in 1991. We need that to be included in this Review (Regional Victoria).

And perhaps the most ironic commentary of all concerned the perception that prison was the most effective institutional mechanism for the transmission of Aboriginal culture.

I didn't know I could paint until I started not long ago. I did one for my mum – it took me five weeks. I did it while I was in jail (Regional Victoria).

There are cultural immersion programs conducted in prison. The saddest thing of all is that our people have to go to prison to learn about their culture (Regional Victoria).

It's heartbreaking. They [Aboriginal prisoners] have some brilliant qualities – painting, music and so on (Regional Victoria).

Not that the acculturation available through the prison experience was greeted with uniform enthusiasm either:

I'm not sure if you would want to put a panel of prisoners to talk to Koori youth about their experiences. Sometimes it's not a positive thing to do ... Sometimes it has the opposite effect and the kids think these fellas are heroes. I think it would be more effective if Elders were involved. They have their rightful place in society and they have a wealth of knowledge about traditional things and traditional ways (Regional Police Station).

The strong emphasis in five of the six RAJAC Social Justice Plans on cultural recommendations of Indigenous Victorians demonstrates the significance of these issues:

Some Indigenous people have a fractured understanding of their cultural heritage as a consequence of the breakdown in traditional family and community living patterns [with increased] community education/awareness of legal, civil and human rights is of significant importance (Department of Justice, 2003b: 15).

As well, in the context of land need and cultural survival, the Grampians RAJAC Plan proposes the establishment of a Social Justice Commissioner to address the many cultural

survival issues and other RAJAC plans also referred to the need to strengthen cultural awareness in their communities.

5.9.3 Review Comments and Recommendations

The Review notes that according to the Government responses to Recommendations 334 to 338 pertaining to processes for restoring, granting and purchasing land *there are very few initiatives identified that appear to address the issue*. It also notes, however, that AAV is developing a joint strategy in conjunction with AAV, DSE and DOJ, linking land and resource management, land acquisition, Native Title and cultural heritage and policy to provide a framework for addressing the land aspirations of Aboriginal people and which is understood to have progressed further since 2003 when the response was provided.

The Review notes the initiatives set in train by the DE&T in relation to Recommendation 55 pertaining to Aboriginal languages.

The Review notes the development of the Indigenous Community Resources Infrastructure Program and the Victorian Regional Cultural Heritage Program (Recommendation 56).

The Review notes the response of PRO (DVC) on access to the Commission's records and agrees that Recommendation 57 has been implemented.

The Review does not agree that Recommendation 205 pertaining to the role of the media is not relevant to Victoria. It notes the comprehensive guidelines developed at the Australian Broadcasting Corporation²⁸:

ABC Indigenous Programs Unit, Radio and Online, in conjunction with Indigenous staff and journalists in the ABC, were aware that protocols for Indigenous communities have been ignored by many media outlets and journalists were not aware that protocols existed or hard to find. Message Stick has produced this Indigenous Protocol site hoping to assist journalists, filmmakers, producers and documentary makers to understand the importance of abiding by Indigenous Protocols. This document has been written as a guide to help bridge the gap between the needs of Television and Film makers and the Indigenous people and their customs.

Whether such guidelines might be adopted by private media organisations the Review believes this action by relevant bodies should be considered.

The Review notes the initiatives taken by AAV and DIIRD in relation to the support of Aboriginal arts and the marketing thereof (Recommendation 209).

The Review acknowledges that technically Recommendation 315, pertaining to National Parks, only has application to Western Australia. At the same time, the Review believes that the principles enshrined therein might appropriately have application to Victoria. It notes the comprehensive response from Parks Victoria addressing the intent of this Recommendation.

The Review agrees that Recommendation 316, relating to remote communities, does not have application to Victoria.

²⁸ These guidelines, Cultural Protocol, are available at <http://www.abc.net.au/message/proper/>

Recommendation 24.

- That the Victorian Government continue to implement and monitor Recommendations 334 to 338 in relation to processes for restoring, granting and purchasing land in respect of reporting as priority to the proposed Statewide Indigenous representative body;
- The Department of Sustainability and Environment, Department for Victorian Communities (Aboriginal Affairs Victoria) and the Department of Justice (Native Title Unit), report to the Aboriginal Justice Forum on progress with the development of the Indigenous Partnership Strategy associated with the *Addressing Dispossession* policy framework and on arrangements for involvement of Indigenous communities in the development of plans and strategies for addressing their land needs; and
- That the Victorian Government consider legislative amendments to the *Native Title Act 1993* in order to allow for options other than the transfer of unalienated land to Aboriginal communities.

Recommendation 25.

- That the Department of Education and Training provide further information to the appropriate Indigenous Education Forum on:
 - (a) the proposed Statewide Indigenous representative body in relation to the Victorian Aboriginal Corporation for Languages (Recommendation 55 relating to Aboriginal languages);
 - (b) the Indigenous Languages of Victoria (Retrieval and Reclamation Pathway) Study Design; and
 - (c) the Koori Middle Years and Early Literacy Links Project and the School Network Languages Plans, including information about the extent of Aboriginal participation, consultation and employment in connection with the programs in question (Recommendation 55 relating to Aboriginal languages); and
- That the Victorian Government continue to implement and monitor Recommendation 55 (relating to Aboriginal languages) through any monitoring process established as a consequence of this Review.

Recommendation 26.

- That the Department for Victorian Communities (Aboriginal Affairs Victoria):
 - (a) report on the proposed Statewide Representative body on the funding of the Community Resources Infrastructure Program; and
 - (b) report on the Victorian Regional Cultural Heritage Program (Recommendation 56 relating to Government support of initiatives to familiarise people with aspects of Aboriginal history, traditions, and contemporary culture) and the extent of Koori employment therein, any training that is provided and plans for enhancing program design and delivery;
 - (c) provide a report to the Aboriginal Justice Forum on (a)-(b); and
- That the Victorian Government continue to implement and monitor Recommendation 56 (relating to Government support of initiatives to familiarise people with aspects of Aboriginal history, traditions, and contemporary culture) through any monitoring process established as a consequence of this Review.

Recommendation 27.

That the Victorian Government accept that Recommendation 205 relating to the media and the development of protocols with the Indigenous community, is relevant to Victoria and that it provide advice to the proposed Statewide Indigenous Representative body on steps taken to facilitate its implementation.

Recommendation 28.

- That the Victorian Government, develop an overarching policy for the support and protection of Indigenous arts in the wider arts market including consideration for a pro-active program of purchasing, commissioning and the exhibition of Victorian Koori arts (for example through the National Gallery of Victoria) (Recommendation 209);
- That the Department for Victorian Communities (Aboriginal Affairs Victoria) provide updated information to the proposed Statewide Indigenous Representative body on how the functions of the original Koori Community Fund in relation to arts are being fulfilled within the Indigenous Community Capacity Building Fund (Recommendation 209); and
- That the Department of Industry, Innovation and Regional Development provide further information to the proposed Statewide Indigenous Representative body on how problems relating to resourcing arts business opportunities, recognition of Indigenous art forms, employing Aboriginal Arts Officers and support for the creation of Aboriginal owned and operated centres and businesses in Victoria might best be addressed (Recommendation 209);
- That the Victorian Government continue to implement and monitor Recommendation 209 (relating to the support for Aboriginal arts and associated marketing) through any monitoring process established as a consequence of this Review.

Recommendation 29.

That the Department of Sustainability and the Environment review the potential application of the principles embedded in Recommendation 315 (relating to National Parks, and their suitability to Indigenous involvement in the management of Victorian parks).

5.10 Reconciliation

In his National Report overview, Commissioner Elliott Johnston made a very powerful statement about the way in which non-Aboriginal attitudes, whether public or private, impede progress towards self-determination, an indispensable condition of the empowerment of Aboriginal people so crucial to dealing with problems of disadvantage:

Non-Aboriginal Australia must face the fact that for a very long time we have proceeded on the basis that Aboriginal people were inferior, were unable to make decisions affecting themselves, that we knew what was best for them, that we had to make decisions affecting them; it became second nature for us to have that attitude. It is very easy for us to adopt that attitude without even being aware that we are adopting it. This is true both for public officials and for private persons. It is an attitude which is very deeply resented by Aboriginal people, as would, indeed, be by us if roles were reversed. I say very frankly that when I started upon my work in this Commission I had some knowledge of the way in which broad policy had evolved to the detriment of Aboriginal people and some idea of the consequences. But, until I examined the files of the people who died and the other material which has come before the Commission and listened to Aboriginal people speaking, I had no conception of the degree of pin-pricking domination, abuse of personal power, utter paternalism, open contempt and total indifference with which so many Aboriginal people were visited on a day-to-day basis (Royal Commission, 1991b, Vol. 1, 1.7.23).

And he quotes Commissioner Dodson on the need for non-Aboriginal Australians to reflect on their own attitudes in this respect:

Commissioner Dodson speaks of the need for a maturing of the relationship between Aboriginal and non-Aboriginal people; a deeper understanding of how each sees the other and why; a bringing out of the common ground between us – the centrality of being human beings. He suggests that as Aboriginal people need time, space and distance for thinking through their position, perhaps non-Aboriginal Australia needs to take some time to think through its position in relation to Aboriginal people, to ask ourselves whether we have not stereotyped Aboriginal people, whether as noble savages, scroungers, horsemen, child-like persons, servants or people addicted to alcohol (Royal Commission, 1991b, Vol. 1, 1.7.32).

The Commission's response to these non-Indigenous attitudes took the form of a number of Recommendations designed to influence attitude formation at different levels. Recognising the crucial role played by the media in this context, there are Recommendations intended to enhance Aboriginal affairs media reporting, to produce changes to journalism courses, and to encourage better understanding of issues relating to media treatment of Aboriginal affairs. The critical issue of public service attitudes is addressed in Recommendations concerning the training of public sector employees on the traditions and customs of contemporary Aboriginal society. Other Recommendations confront the outcome of inappropriate attitudes head-on, by making proposals in relation to anti-discrimination legislation, programs and reconciliation mechanisms. The need for the reconciliation movement to be endorsed and encouraged through bi-partisan political leadership is also stressed.

The relevant Recommendations and the self-assessed implementation status reports from Victorian Government departments are set out below in full. It should be noted that for a number of Recommendations implementation is primarily a Commonwealth responsibility. However, where the Victorian Government has taken action that contributes to the implementation it is reported here against those Recommendations. They constitute the basis upon which the implementation status was determined. This material represents the reports on progress in addressing the Recommendations and is made available to the community through this Review. Community responses and the Review comments and recommendations follow.

5.10.1 Royal Commission Recommendation and Implementation Status

	Recommendation	Implementation status 2003
206	That the media industry and media unions be requested to consider the establishment of and support of an annual award or awards for excellence in Aboriginal affairs reporting to be judged by a panel of media, union and Aboriginal representatives.	Classified as not relevant to Victoria
207	That institutions providing journalism courses be requested to: <ul style="list-style-type: none"> (a) Ensure that courses contain a significant component relating to Aboriginal affairs thereby reflecting the social context in which journalists work; and (b) Consider, in consultation with media industry and media unions, the creation of specific units of study dedicated to Aboriginal affairs and the reporting thereof. 	C'with responsibility
208	That, in view of the fact that many Aboriginal people throughout Australia express disappointment in the portrayal of Aboriginal people by the media, the media industry and media unions should encourage formal and informal contact with Aboriginal organisations, including Aboriginal media organisations where available. The purpose of such contact should be the creation of a better understanding, on all sides, of issues relating to media treatment of Aboriginal affairs.	Classified as not relevant to Victoria
210	That: <ul style="list-style-type: none"> (a) All employees of government departments and agencies who will live or work in areas with significant Aboriginal population and whose work involves the delivery of services to Aboriginal people be trained to understand and appreciate the traditions and culture of contemporary Aboriginal society; (b) Such training programs should be developed in negotiation with local Aboriginal communities and organisations; and (c) Such training should, wherever possible, be provided by Aboriginal adult education providers with appropriate input from local communities. 	Partially implemented (EOCV-DOJ) <ul style="list-style-type: none"> a) partially implemented, b) & c) fully implemented (HRM-DOJ/Corrections Victoria) Partially implemented (VicPol) <ul style="list-style-type: none"> Partially implemented (DHS) Partially implemented (DPC) Partially implemented (DOI) Fully implemented (AAV-DVC) Partially implemented (Sport and Recreation Victoria-DVC) Fully implemented (Native Title-DOJ)

	Recommendation	Implementation status 2003
		Fully implemented (CS-DOJ)
211	That the Human Rights and Equal Opportunity Commission and State Equal Opportunity Commissions should be encouraged to further pursue their programs designed to inform the Aboriginal community regarding anti-discrimination legislation, particularly by way of Aboriginal staff members attending at communities and organisations to ensure the effective dissemination of information as to the legislation and ways and means of taking advantage of it.	Partially implemented (EOCV-DOJ)
212	That the Human Rights and Equal Opportunity Commission and State Equal Opportunity Commissions should be encouraged to consult with appropriate Aboriginal organisations and Aboriginal Legal Services with a view to developing strategies to encourage and enable Aboriginal people to utilise anti-discrimination mechanisms more effectively, particularly in the area of indirect discrimination and representative actions.	Partially implemented (EOCV-DOJ)
213	That governments which have not already done so legislate to proscribe racial vilification and to provide a conciliation mechanism for dealing with complaints of racial vilification. The penalties for racial vilification should not involve criminal sanctions. In addition to enabling individuals to lodge complaints, the legislation should empower organisations which can demonstrate a special interest in opposing racial vilification to complain on behalf of any individual or group represented by that organisation.	Fully implemented (OMA-DVC) Partially implemented (EOCV-DOJ)
339	That all political leaders and their parties recognise that reconciliation between the Aboriginal and non-Aboriginal communities in Australia must be achieved if community division, discord and injustice to Aboriginal people are to be avoided. To this end the Commission recommends that political leaders use their best endeavours to ensure bipartisan public support for the process of reconciliation and that the urgency and necessity of the process be acknowledged.	Fully implemented (DPC)

Government Responses on Implementation

Recommendation 206: Media Award for Aboriginal Affairs Reporting

This Recommendation was classified as not relevant to Victoria according to the Victorian Government 1996-97 Implementation Report.

Recommendation 207: Journalism Courses

No progress reported as this Recommendation was not allocated to a Victorian Government Department.

Recommendation 208: Portrayal of Aboriginal People by the Media

This Recommendation was classified as not relevant to Victoria according to the Victorian Government 1996-97 Implementation Report.

Recommendation 210: Training on Cultural Awareness

Equal Opportunity Commission Victoria (DOJ) advised the Review that as part of the Department of Justice staff of the Equal Opportunity Commission have had access to the Indigenous awareness training facilitated by the department. In addition to this, the Commission has organised specific information and training sessions for staff (for example, with Defenders of Native Title). Perhaps more importantly, however, the Commission's Indigenous staff members have from time to time arranged events that allow for informal and relaxed exposure to Indigenous culture for example, three NAIDOC week events and planned visits to view the Indigenous collection at the Melbourne Museum.

With regard to the training offered by the DOJ, this has recently undergone a comprehensive review that the Commission understands has involved Aboriginal organisations. In relation to Commission specific activities: information sessions have

involved the delivery of information by key Aboriginal organisations; the Commission's Indigenous staff members have played a key/integral role in identifying particular activities; and working relationships with particular organisations (for example, VALS) provide staff with opportunities to learn about the Indigenous community and issues confronting Aboriginal Victorians.

However, the most significant opportunities for Commission staff to gain a greater understanding and appreciation of Aboriginal culture and society etc. existed when there were Indigenous staff across all program areas as this acted to ensure a consideration of issues from an Indigenous perspective was part of day-to-day functioning. As a consequence, this awareness raising was simply part of working at the Commission rather than a specific exercise or a formal event. Unfortunately, as the number of Indigenous staff has fallen, the Commission has two Indigenous staff members (one of whom is on maternity leave and one who was awarded a DOJ Koori scholarship to study law and is currently on leave of absence from this), so too has this opportunity for practical and informal learning. The fall in numbers of Indigenous staff has also impacted on the stability of our relationships with groups and organisations in the Aboriginal community which also affects learning opportunities.

The reason for this drop in numbers is not entirely clear. In terms of the movement of specific individuals, obviously personal circumstances change but it is also true to say that a number of Indigenous staff at the Commission have been actively head-hunted by other public sector bodies, some of which are larger, and thus able to offer more immediate career advancement than the Commission. In addition, the Commission has often experienced difficulty recruiting Indigenous staff and as a result of this, the position of Indigenous outreach officer has on occasions been vacant for long periods, and business demands have necessitated the filling of vacancies without being able to proactively search for Indigenous applicants. The Commission now has only one Indigenous member of staff. The decrease in the number of Indigenous staff members has also meant that the sense of pressure on Indigenous staff (i.e. feeling that they are responsible for all Indigenous matters) can seem great. The Commission seeks to actively manage this, but acknowledges that, despite its efforts, individuals may still feel overwhelmed.

As a result, the Commission has proposed that changes to its structure may better equip it to perform its role both generally and also in relation to Indigenous issues. In addition, the Commission also intends to review its practices in order to maximise the cultural relevance and appropriateness of its practices to Indigenous Victorians.

Future strategies include:

- Exploring the possibility of identifying a pool of people with relevant skills and backgrounds and who could be proactively notified of vacancies that arise across the Commission and encouraged to apply;
- Better use of the DOJ Koori Recruitment and Career Development Strategy when vacancies do arise; and
- Continuing to ensure Indigenous staff receives support in relation to their role within the Commission.

Furthermore, as Recommendation 210 presently only refers to developing awareness and understanding of the traditions and culture of contemporary Aboriginal society, the Commission believes it would be worthwhile adding to this awareness and understanding of the following: Native Title; Reconciliation (at both a symbolic and pragmatic level); and Self-determination.

An understanding of culture is vitally important however, of itself, may not be sufficient to ensure understanding of these critical contemporary issues that are the subject of significant confusion.

With regard to consultation and involvement of the Indigenous community, protocols should be developed to guide consultation with Indigenous communities to ensure access to broad views and perspectives – including Elders as well as younger representatives of the Indigenous community.

With regard to staff training, the draft 2004-05 Annual Action Plan includes a provision that Indigenous Awareness Training will be provided to all staff by December 2004. In relation to the future, for new staff who have not participated in awareness training prior to joining the Commission, induction will include enrolment in the awareness course offered periodically by the department.

Human Resource Management (DOJ) advised the Review that Indigenous Australian Cultural Awareness Training (CAT) has been part of the Department's Corporate Training Program for the past five years.

Under the *VAJA*, it was required that the CAT training be reviewed and redeveloped. The newly redeveloped CAT for the Department of Justice required that Indigenous Australian people be involved in the review and redevelopment of the program.

An extensive review included consultation with the majority of Indigenous Australian staff employees within the department, together with key Aboriginal community based organisations within the Melbourne Metropolitan Region.

The then newly established RAJACs were also involved in the review. A questionnaire was developed and all participants of the RAJAC, including non-Indigenous Australian staff, completed the document. Information provided in the questionnaire formed part of the review.

Two Indigenous Australian staff were employed by the contractor who undertook the review and redeveloped the new CAT program. Their experience, knowledge and understanding of Indigenous Australian culture was a critical factor in the development of a culturally appropriate and respectful program.

This new program has now been developed and is being provided to staff within the Department. The new provider of CAT for the DOJ employs two Indigenous Australian facilitators who alternate with a non-Indigenous facilitator in the provision of training. These two facilitators are being trained by the non-Indigenous facilitator to undertake the principal role at each course.

The contractor has agreed that should guest speakers be included in any course that they will be Indigenous Australian speakers. When courses are held in regional areas, local Indigenous Australian communities will be considered to participate in the training as guest speakers.

A Koori facilitator is present at all times during a CAT course. A pre-requisite to undertaking this training is that such training is based on need. This covers staff who are involved with service delivery to Indigenous Australian clients and those who are involved in developing policy and programs to the client group.

In line with the Identified Policy Position, an initiative of the Victorian Aboriginal Justice Agreement, all supervisors/managers of Indigenous Australian staff are required to undertake CAT.

Business units who have responsibilities under the *VAJA* initiative are progressively committing to have all staff, including new staff involved in such initiatives, to attend CAT.

There is no policy directive which is applied specifically to the Recommendation sub-clause.

CAT is also highlighted within the whole-of-government Indigenous Employment Strategy, *Wur-cum barra*, as a Key Result Area of 'Changing Workplace Culture' through such training.

In relation to all Corrections Victoria public prisons, initial recruits participate in cross cultural awareness training that provides an overview of Indigenous history and culture, through to a contemporary overview of Aboriginal issues. This training is designed and delivered by Aboriginal Welfare Officers (AWOs), and is specifically designed for correctional staff and aims to ensure that staff have an understanding of the issues currently affecting Indigenous people. The training also provides some guidance to staff in managing Indigenous people.

This cultural awareness program developed and delivered by AWOs is a flexible program, being able to accommodate the interests of participants. Depending on where the program is being delivered, local Indigenous people will be invited to deliver information that is specific to the area. This ensures that the Indigenous community are involved in the development and delivery of the program. It also reinforces Corrections Victoria operations and results in an understanding of the Indigenous perspective.

Furthermore, opportunities are provided within this training for participants to further explore issues or to seek further information on particular issues. The AWOs are also able to refer participants to Indigenous community members for further information.

Corrections Victoria requires that the Indigenous Services Officers (ISOs) at each location, both prisons and Community Correctional Services (CCS), undertake CAT. ISOs access either the DOJ CAT, training provided by local Indigenous community agencies, or training conducted by the AWOs. Apart from ISOs, staff generally are encouraged to access CAT.

In relation to CCS, initial recruits undertake CAT as part of induction training. Staff are also encouraged to access the Department of Justice CAT, and to liaise with the ISO and AWOs as necessary.

All staff are able to access AWOs on a regular basis. The AWOs assist staff in the development of Individual Management Plans, ensuring that Indigenous issues are appropriately incorporated into the plan.

In relation to Australasian Correctional Management (ACM), Cultural Awareness Training for all staff is provided including Correctional Officers and the training is focused at enhancing skills in cross-cultural communication and being able to relate to all races including Aboriginal/Torres Strait Islander prisoners.

In relation to Group 4 there are 8 x 2 hour day sessions per annum are provided for both newly recruited correctional officers and staff. These programs are provided by an accredited Koori trainer with a solid network of community experience and thus input.

As part of the continuous review of cross cultural awareness training a new tender specification has been developed for the delivery of Indigenous Cultural Awareness Training for 2005-2006.

The revised specification includes special emphasis on a Victorian Koori Community elder being a guest speaker and a new session on 'Relationship Building with Indigenous Clients'. Requests for Quotations were sought in March, 2005 and tenders are currently under consideration.

Corrections Victoria advised the Review that in all prisons, new recruit training incorporates a component on Cultural Awareness, meaning that 100 per cent of new prison officers are trained prior to commencement. Training is typically of around two hours' duration.

Further training is also provided to existing staff at selected locations on an 'as needs' basis:

- 64 staff and 6 ISOs at Barwon have been trained in additional Cultural Awareness programs;
- 25 staff from North-East Area attended an Indigenous Awareness Program at Seymour TAFE, facilitated by two Aboriginal leaders. These were organised by Head Office, through Swinburne University. Feedback from participants was excellent;
- Approximately 33 per cent of staff at Melbourne Assessment Prison (MAP) have attended locally-arranged Cultural Awareness training;
- 17 staff trained at Ararat (and a further 29 staff trained in cross cultural awareness);
- Approximately 20 staff at Dame Phyllis Frost Centre (DPFC) received cultural awareness training delivered by the Manager, Indigenous Policy and Services Unit (IPSU);
- Two ISO Conferences, of two days each, were held in 2003-04. These focused on improving service delivery for Indigenous prisoners and offenders and included cultural awareness workshops.

In addition to formal training, a range of informal programs, cultural celebrations and other activities at the prisons are designed to raise awareness of cultural issues and promote positive interactions between staff and prisoners. These include sporting activities, art programs, informal celebrations of festive occasions and cultural/traditional milestones, visits from local elders, smoking ceremonies, NAIDOC week celebrations and so on at various prison locations.

Native Title Unit (DOJ) advised the Review that all employees of the Native Title Unit who have not participated in cultural awareness training prior to joining the Unit have undertaken training to understand and appreciate the traditions and culture of contemporary Aboriginal society. Training has been provided by Victorian Indigenous organisations and Victoria Indigenous people.

Victoria Police advised the Review that recruits undertake half a day of Cross Cultural Training in week three and the Melbourne Museum visit in week 13 of a 20-week course. This involves delivery in every instance possible by an Indigenous person in conjunction with the AAU and Bunjilaka where the squad visit for the afternoon session. The morning session covers the role of the AAU and its different function, for example, Police Aboriginal Liaison Officers (PALO), Aboriginal Community Justice Panel (ACJP), and Aboriginal Community Liaison Officers (ACLO); history of Indigenous Victorians, Police obligations and procedures, current and historic issues etc.

The Aboriginal Advisory Unit has facilitated a number of highly successful sessions in Shepparton, Mildura, Robinvale and Swan Hill over the last ten years. PALOs work with local Indigenous people to facilitate and run up to two-day cultural familiarisation courses. The contents of this training must be owned and run by the local community. Victoria Police merely facilitate getting people there. A Police Aboriginal Liaison Officer must accompany every course.

Victoria Police further advised the Review that funds were allocated by the Community Custodial Permit (CCP) to implement Cultural Familiarisation Training of police members across the state. This package involves full ownership of the content and delivery by the local community which is facilitated by the PALO at the station. Funding also allocated by the CCP to implement a PALO forum to provide information sharing, networking and training of PALOs in their role with community at the local level.

DHS advised the Review that it has provided cross cultural awareness training for a number of employees employed in the department at both a central office and regional level. Maternal and Child Health nurses have received cross cultural awareness training.

Juvenile Justice provides training centrally through a training calendar. Training also takes place at a regional level through the Juvenile Justice Units and through the Juvenile Justice Centres. The training calendar provides a two-day training program 'Working with Indigenous Young People'. The program ran three times during the period from March 2003 to March 2004 with a total of 39 participants. This program is delivered by staff from VACSAL.

Policy for working with Aboriginal young people is addressed during staff induction training at the Juvenile Justice Centres and the Aboriginal Liaison Officers hold workshops or cultural events from time to time at the Centres. Most Juvenile Justice Regional Units provide cross-cultural training or activities for staff and this will be in conjunction with local Co-operatives.

All cross cultural awareness programs have been developed in consultation with the Koori Community or involved Indigenous people. DHS is developing a Cultural Respect Training Program that will be delivered to DHS staff. Managers, colleagues of Indigenous staff and staff working in Indigenous programs are given priority to attend the program. The objectives of this program are to create a workplace culture that values and utilises the contributions of people with Indigenous backgrounds, experiences and perspectives and develop DHS staff skills and knowledge of Indigenous people, their cultures and society so that they can be more responsive to Indigenous clients, people and Indigenous communities' needs.

A Cultural Respect Training project team was set up within the department in June 2004. In December 2004, the department advertised a tender to engage a consultant to design and deliver a Victorian Indigenous Cultural Respect Training program. Tenders were received on 27 January 2005 with the selection and contract endorsement process currently being undertaken.

The successful tenderer will be responsible for both stages of the tender – design and delivery. Stage one is to design a competency based Cultural Respect Training program (within a modular framework) for delivery over two days. Stage two is the actual delivery of the Cultural Respect Training programs, which will be incorporated into the corporate training calendar in the second half of 2005.

The CRT training program will be designed in consultation with the Victorian Indigenous community as well as the Health, Housing and Community Sector and departmental staff.

The consultations will focus on the content and material to be included in the program as well as preferred learning styles of potential attendees. The program will be delivered by an Indigenous consultant or organisation and will include local community content, where appropriate.

The Cultural Respect Training program will be available to departmental and Health, Housing and Community sector staff. In the first year it is proposed that places will be specifically targeted for:

- Managers and colleagues of Indigenous staff within the department and the Health, Housing and Community sector;
- Staff within the department and the Health, Housing and Community sector who provide services to Indigenous clients; and
- Policy and program development officers within the department.

Staff Support Network

The department's Indigenous Staff Support Network (ISSN) was established in November 2002. Quarterly meetings are held at various locations across the department/State. Members of the ISSN coordinate the meetings and develop the agenda in response to issues raised by, and request received from, members.

DHS further advised that in consultation with Aboriginal organisations, the Department of Human Services is developing a communication guide for staff to assist them to communicate positively and effectively with Aboriginal organisations and communities. The Guide will be released in 2005. The aim of this project is to improve the Department's ability to work in partnership with Aboriginal organisations and communities to achieve improved health and well being outcomes for Aboriginal people.

DPC advised the Review that a number of initiatives have been implemented in DPC that reflect an appreciation of Indigenous culture and history, importance of family and community obligations, recognition and acknowledgement of the impact of past policies and related effects upon contemporary society, and recognition of the diversity of the Victorian Indigenous community. The DPC Indigenous Employment Strategy, *Wur-cum barra*, launched in July 2002, outlines a range of initiatives that have been and will be implemented up to June 2005 and beyond. In accordance with the whole-of-government strategy, DPC has developed an Indigenous Employment Strategy and Implementation Plan.

In 2002, a cultural awareness session at the Melbourne Museum held during NAIDOC week was the first of regular sessions to be conducted for DPC staff. Specifically designed sessions were also been developed and conducted for individual branches such as the Office of Women's Policy (now part of DVC).

Since then the Department has designed a Cultural Awareness Program delivered by the Koori Heritage Trust which focuses on building staff understanding of the practical workplace issues faced by Indigenous staff and removing barriers to recruitment and personal, professional and career development.

The Department has also developed an Indigenous Cadet Program that supports Indigenous students through financial support, workplace experience, learning and development designed to enhance career opportunities and senior staff mentoring. Each cadet, subject to a probationary period will be offered appropriate ongoing employment within DPC and its Portfolios.

The Department has also targeted Indigenous university groups and networks to source applicants for the VPS Graduate Recruitment Scheme (GRS) as well as ensuring appropriate staff training, provisions and adjustments to encourage Indigenous participation and success through the selection process. For the 2005 graduate program, the VPS attracted seven applications with two appointments being made to Indigenous students. With DPC and DVC implementing cadetship programs with potential to feed into the GRS, these numbers are expected to increase in future years.

All programs conducted to date for DPC have been designed and developed through negotiation with representatives from Kulin Nations, Aboriginal Affairs Victoria and other appropriate Aboriginal organisations. Aboriginal adult education providers have delivered all programs.

Encouraging staff to prioritise attendance at cultural awareness programs, holding the sessions at times/venues suitable for groups of staff and committing the resources to support the programs are ongoing challenges for the Department. The DPC Senior Executive Group have demonstrated a high level of support for such programs which will assist in encouraging more staff to attend programs in the future. Negotiating cultural and political perspectives of the various Aboriginal organisations and community members has required a significant level of awareness and understanding by DPC staff involved in the negotiation. Whilst satisfactory outcomes have been achieved in programs implemented to date there is an ongoing need to ensure staff are well informed and supported in undertaking such negotiations.

DOI advised the Review that it is committed to respecting cultural diversity in the workplace, and in all its dealings with stakeholders and the community.

DOI is responsible for improving and maintaining Victoria's road and rail transport infrastructure, building the capacity for improved information and communications technology in government, the private sector and the community, growing the State's ports and marine sectors, and effectively managing the delivery of large scale development and construction projects for the Victorian Government. DOI has strategies in place to ensure that diversity within the workplace is valued and actively managed, that information is made available to its stakeholders in a variety of ways and in culturally appropriate languages, and that appropriate consultation is undertaken on project delivery issues.

DOI has an Indigenous Employment Plan in place which includes actions to provide Indigenous cultural awareness training to its mainstream employees. Key areas including Human Resources will be undertaking Indigenous cultural awareness training as part of this plan. Other areas identified as being involved in interactions with Indigenous communities and employees will also be encouraged to undertake this training. The plan also includes actions to encourage Indigenous people to work at DOI through strategies such as an Indigenous scholarship program, work experience programs and advertisement of vacant positions in Indigenous publications.

Prior to the machinery of government changes in December 2002, Heritage Victoria (which has regular liaison with Indigenous people) formed part of the Department of Infrastructure. Heritage Victoria now forms part of the DSE. Other than in the reasonably limited circumstances outlined by VicRoads in their response to Recommendation 75, DOI has not identified a significant Aboriginal client base.

DOI's training providers in relation to Indigenous tradition and culture are the group Diversity at Work, who employ Indigenous staff to deliver this training.

AAV (DVC) advised the Review that AAV provide access to cross cultural training for staff as part of its standard suite of available staff development programs. These programs have been included as part of standard departmental training syllabus in the Department of Human Services (1994-1999) and the Department of Natural Resources and Environment (1999-2002), which has been important in promoting cross-cultural training for mainstream staff within these departments. These programs augment the ongoing training and practical experience gained by all AAV staff working with Indigenous communities and community based organisations on a day-to-day basis.

As a State-wide focused agency, AAV recognises that its staff need to develop a broad understanding of all Victorian Indigenous communities. This need, to a degree, informs the basis of AAV's cross-cultural training, it emphasises the importance of the principles contained in Recommendation 210 (b) and (c).

Government departments are much more aware of the need for a culturally aware of the need for a culturally aware and sensitive workforce, particularly in relation to non-Aboriginal staff involved in:

- direct service provision to Aboriginal people (whether departmental or funded sector staff);
- management of Aboriginal staff; and
- program or policy development where Aboriginal issues are significant.

Departments are required to develop and implement departmental policies under the auspices of *Wur-cum barra* to ensure that they have a culturally aware and competent workforce. While there are across the public service a large number of Aboriginal cultural awareness packages that have been developed and delivered in relation to program specific areas recently a number of government departments have developed and/or commenced strategic integrated whole-of-department cultural awareness training packages. These include:

- DHS – Aboriginal Services Plan (ASP)
- DOJ – *Victorian Aboriginal Justice Agreement (VAJA)*
- DSE and DPI – Indigenous Partnerships Strategy (ISP), including statutory authorities and significantly Parks Victoria
- DIIRD – Koori Business Network
- DE&T – recognise the importance of a culturally sensitive and aware workforce and are committed to maximising opportunities that arise including through existing Koori staff and Commonwealth funded projects based on development of relationships between communities and schools.

Other initiatives that indirectly promote cross cultural exchange through mentoring and partnership schemes include elements of the Leadership Strategy, the CEO Network and the proposed Training and Education Strategy.

Sport and Recreation (DVC) advised the Review that in the main, the Indigenous Sport and Recreation Program (ISRP) within Sport and Recreation Victoria provides direct services to Sport and Recreation organisations and Indigenous communities. Staff involved in this program are either Indigenous themselves or have undergone Cross-Cultural Training (CCT). These staff in turn, regularly include colleagues in the CCT which they provide to

Sport and Recreation organisations in an effort to raise awareness, across the Division, of Indigenous issues.

DVC is an active participant in the Victorian Government's Indigenous Employment Strategy, *Wur-cum barra*. The DVC corporate training calendar includes specific Indigenous cross cultural awareness training. CCT is invariably undertaken by indigenous service providers with a new round of training, to be delivered to all staff by representatives of the Koori Heritage Trust, scheduled to commence in May 2005. DVC's awareness training would comply with this recommendation.

See Recommendation 96 in Section 6.3 – Courts for **Court Services (DOJ)** response to this Recommendation.

Recommendation 211: Informing the Aboriginal Community of Anti-discrimination Legislation

EOCV (DOJ) advised the Review that it has had an Indigenous outreach program since the early 1990s. It is designed to facilitate the development and maintenance of partnerships and relationships with a range of Indigenous organisations and communities, as well as provide a vehicle for informing Koories about their rights and the avenues of redress that are available to them to rectify breaches of equal opportunity law. The Commission also produces a range of information publications targeted at Kooris, and information about the outreach program is also on the Commission's website. In addition, the Commission has initiated or supported a number of specific projects aimed at empowering Koories, including 'Wise Women Working' and 'The Torch Re-igniting Community' arts program. The former project brought together women from a variety of cultural backgrounds, including Indigenous women, in several locations to discuss issues of tolerance and diversity. The latter program was a community arts project with a reconciliation focus that was held in three different non-metropolitan locations in 2001 and 2002.

Recent key activities and developments in the Indigenous outreach program include:

- new Indigenous Program publications released in 2003, for example, brochure, poster and fridge magnet;
- development of an MOU with VALS (2003) focusing on cooperative education and improved referrals between both organisations;
- EOCV currently working with Consumer Affairs Victoria (CAV) to develop a joint project to address Indigenous access to the private rental market;
- EOCV is working with Indigenous Outreach Programs at VALS, CAV, Dispute Settlement Centre and Ombudsman's Office to deliver joint regional education programs;
- Indigenous Reference Group to be established (2004);
- The Respect Mural Project conducted with Indigenous students at Copperfield College; and
- The Torch Re-igniting Community Arts project.

The EOCV has provided the Review with a list of consultancy activities with Indigenous groups and organisations for 2003-04, however data on the number of participants/attendees for these events is not available. The EOCV also managed a research project on systemic racism in the criminal justice system as a factor contributing to Aboriginal over-representation and an Interim report from the researchers was tabled at the AJF in April 2004.

However, the Commission's Indigenous activities have always been constrained by budget realities which have effectively limited the scope and size of the Indigenous outreach program. In common with the Commission's other outreach programs (multicultural and rural), the Indigenous program is staffed by one individual. With greater budgetary resources, additional staff resources could be employed to provide a more comprehensive Indigenous outreach service. A number of the Indigenous activities that the Commission has been involved with have involved partnerships or cooperative arrangements with other organisations. While this is not necessarily a bad thing, a higher level of resources for the Commission may enable a more effective Indigenous outreach program.

Furthermore, the relevance of this recommendation would be enhanced if it was broadened from an anti-discrimination focus to a human rights focus, to encourage a broader education strategy for Indigenous people.

A review of complaints lodged with the Commission by Aboriginal and Torres Strait Islanders during the period 2002-03 has also been provided to the Review and shows that 40 Aboriginal people lodged a total of 62 complaints – 54 per cent of complaints came from Metropolitan Melbourne, 55 per cent were female, and most complaints about discrimination were in area of goods and services and education. No data is available in relation to inquiries.

A total of 23 Indigenous files have been lodged to date (10 May 2004). Of these 23 Indigenous files, 11 are active, eight were declined and four were successfully conciliated.

EOCV (DOJ) further advised the Review that:

- new Indigenous specific publications released in 2003 (e.g. brochure, poster and fridge magnets);
- development of an MOU with VALS (2003) focussing on cooperative education and improved referrals between both organisations;
- co-operative community education with external agencies (2004 - VALS, CAV, Dispute Settlement Centre, Victorian Ombudsman Office);
- participation in 'Share the Knowledge' - Morwell and Drouin (2004 and 2005);
- participation in eight DOJ Koori Job Fairs (2005), Metropolitan and Rural Victoria;
- in early discussions with the Tenant's Union regarding Indigenous people and private rental accommodation project (2005).

Recommendation 212: Effective Use of Anti-discrimination mechanisms

EOCV (DOJ) advised the Review that it is working with the Victorian Aboriginal Legal Service on assisting their clients lodge complaints under the EOA and *Racial and Religious Tolerance Act* (RRTA). However, implementation difficulties have included: decrease in Aboriginal staffing; individual complaint mechanisms not necessarily appropriate; barrier to lodging individual complaints are often prohibitive; and need to consider other approaches; for example Early intervention, systemic responses, compliance (incentives and sanctions) and representative complaints.

The Commission and VALS have entered into a formal memorandum of understanding that is in part directed at improving Indigenous access to the Commission's complaint handling processes. There are no protocols between the Commission and the Police, prisons and other government agencies regarding Indigenous complaints and currently there are no plans to develop such protocols.

Barriers to Indigenous complaints include:

- Despite the Commission's efforts to minimise formalities etc., because complaints are a legal process and that process is governed by certain statutory requirements, some formalities and administrative steps are unavoidable. This can be discouraging, and in some instances daunting for individuals;
- Lodging a complaint of discrimination takes time and effort. Individuals confronting multiple and complex issues they can simply lack the 'energy' to pursue a complaint;
- With its focus upon individualise acts of discrimination, the complaints process and the legislation itself, can often be unsuited to dealing with the systemic and entrenched issues confronted by Indigenous people;
- Presently, only a very small number of Indigenous complainants receive advocacy support to pursue their complaint through the Commission.

A six-year statistical review of Indigenous complaints lodged with the Commission was completed in August 2004.

Recommendation 213: Racial Vilification Legislation

The **Office of Multicultural Affairs (DVC)** advised the Review that the *Racial and Religious Tolerance Act 2001 (RRTA)* came into effect on 1 January 2002 with the aim of embracing Victoria's diverse ethnic, cultural, religious and Indigenous backgrounds, by introducing laws which make religious vilification unlawful, and providing a means for victims to have their complaints heard and resolved. It provides both civil redress and criminal sanctions, but the focus of the legislation has always been on conciliation.

The Act acknowledges the importance of freedom of expression while at the same time protecting the rights of all citizens as equals. It provides a means for investigation of all complaints in order to assess their virtues before any further action is taken. It does not include exceptions for conduct or discussion that is engaged in reasonably good faith, particularly in relation to publications, discussion or debate considered to be in the public interest, but this is balanced with the need to investigate every complaint on its merits.

The Act makes clear distinctions between civil and criminal conduct. The civil standard applies to behaviour that is sufficiently serious to incite hatred, serious contempt or revulsion, and it the preferred approach. The criminal standard has the additional element of behaviour that has the *intent* of inciting hatred, serious contempt or severe ridicule.

Persons with a complaint make contact with the EOCV, who assist in formulating complaints and investigate the validity of the complaint. If there is a case, the EOCV will undertake to resolve the complaint through the conciliation process. Only if this is unsuccessful will matters be referred to the Victorian Civil and Administrative Appeals Tribunal. If the vilifying behaviour includes a potential criminal offence, the matter will be referred to Victoria Police, who conduct an entirely distinct criminal investigation.

The Act contains a *Representative Complainant* provision, which allows persons who believe they are the victims of vilifying behaviour, and are personally uncomfortable with lodging a complaint, to nominate another person or organisation to lodge a complaint on their behalf, such as another individual or a representative body, such as an ethnic, Indigenous or religious community organisation.

A comprehensive information and education campaign was conducted to inform Victorians about the implications of the Act and how to access its remedies.

EOCV (DOJ) advised the Review that since February 2002 the Commission has received 18 complaints under the *RR7A* from Indigenous complainants. With the passage of the *RR7A* information regarding racial vilification now forms an important part of the Commission's various educative strategies.

Recommendation 339: Reconciliation

DPC advised that its main role is to support the Premier in events, activities and issues related to Indigenous affairs or reconciliation and which require his involvement. Primarily these are:

COAG's reconciliation commitments:

- DPC represents Victoria on national working groups developing and implementing the reconciliation commitments of COAG. This included the commitments of November 2000 and April 2002.
- The April 2002 commitments included whole-of-government trials in up to ten Indigenous communities around the country. DPC is the lead agency, working closely with AAV, in identifying an appropriate community in Victoria and working with that community to determine the nature and scope of the trial and work towards agreed objectives and processes.
- The April 2002 commitments also included the development of a national framework of indicators for reporting against Indigenous well-being. DPC has been the Victorian representative on the group developing the indicator framework, co-ordinating the views of other Victorian Government agencies.
- In December 2002 COAG requested a report on having an increased national focus on Indigenous child protection. DPC will be the channel for Victorian input to this report.

Premier's Aboriginal Advisory Committee

- DPC supports the Premier as chair of the PAAC, progressing issues for which he has responsibility and assisting in agenda setting, liaison with Indigenous representatives, meeting management and advice.

5.10.2 Community Responses

While not systemically consulted for this Review, non-Indigenous people have not shied away from commenting about the Indigenous community and reconciliation. The comments received during the course of the Review provide a challenging perspective on reconciliation. Nor have non-Indigenous persons been reluctant to express their views on Indigenous people:

I reckon I could soon get the cost up to a million dollars for every Aboriginal bloke who goes off the rails. He might get drunk, have a car accident and leave someone disabled, wreck two cars, maybe rape somebody. Then he'll go to gaol at a cost of 60 grand a year and leave behind a partner and children who have no support (and this starts another cycle). Then when they come out of gaol, if they haven't become

even more bitter and angry than they soon will – because they won't be able to read or write and can't get a job (Cutcliffe, 2004: 26).

Another example cited by an Indigenous participant relates to the words of a prison officer during a cultural awareness program for Indigenous female prisoners:

So is that what your mob used to do [basket weaving] when you sat down by the river drinking your casks of wine and get drunk? (Metropolitan Melbourne).

However, do such views show ignorance rather than racism?

The public perception of the Koori community is still a worry though. The general population still think that Koories always get everything but I think that's more about ignorance than anything else. Most of the time they are not willing to find out the truth and the reality (Regional Victoria).

The Saulwick Age Poll (2004) indicated that 63 per cent of Victorians living in Metropolitan Melbourne believe the reconciliation process should continue, compared to 40 per cent in Regional Victoria, while 33 per cent of those in Metropolitan Melbourne believed the process of reconciliation is no longer needed, in contrast to 59 per cent in Regional Victoria.

Indigenous groups consulted in the course of the Review seem to have displayed considerable scepticism about the prospects and preconditions for reconciliation with non-Indigenous people. In part, these doubts seem to have stemmed from the belief that the wider society was not serious in wanting to address the fundamental issues involved. The point was put forcibly at one meeting with the Review Team:

We have to address reconciliation and land issues first. If this isn't looked at, then nothing can ever change. We are a multicultural society and we are the original landowners, yet we are the minority in Australia and they [non-Indigenous people and Government] don't want to go there with us (Regional Victoria).

Results from Australian SCAN – Quantum Research (2004) survey show that Victorians ranked Reconciliation as the twenty-first priority (out of a list of 25) for government action.

This view is consistent with findings that encountered from a Saulwick Muller study conducted in 2000 for Reconciliation Victoria in which a group of Gippsland Indigenous peoples asserted the centrality of the land issue to reconciliation, but saw it as bedevilled by misunderstanding on the part of the white community who harboured unnecessary fears about Koori designs upon land as a material asset (Saulwick and Muller, 2000: 15). Like the same group, however, the Koories consulted during this Review were sceptical much more on the grounds that seriousness of commitment to reconciliation did not square with what they witnessed going on around them every day (Saulwick and Muller, 2000: 13).

According to Saulwick and Muller (2000) there is almost universal support (92 per cent strongly agree) for the notion that 'as far as possible, all Australians should have equal rights and opportunities'.

Slightly less than half of the respondents (41 per cent) think of Aboriginal people as a disadvantaged group, while 52 per cent believe that Aboriginal people are not disadvantaged.

When asked about living conditions, compared to other Australians, 52 per cent of respondents think of Aboriginal people as being 'generally worse off'. Those living in country areas and those from lower to middle income households are more likely than others to believe Aboriginal people are 'better off/same'.

In terms of the need for government programs to help reduce disadvantage among Aboriginal people, over 70 per cent agree, yet around 60 per cent believe 'compared with other Australians, Aboriginal people get too much special assistance from the government' and around 70 per cent agree that 'Aboriginal people don't do enough to help themselves'.

At one level the Indigenous community sentiment stemmed from a much less than positive assessment of what had been achieved in the wake of the Royal Commission, itself:

The focus on Reconciliation initially was about getting Aboriginal people to change to be more acceptable to the broader population, that's not true reconciliation. If the same resource base for the government reconciliation efforts was given to the 339 Recommendations how far down the track would we be? The Recommendations have not been implemented and most have only been partially implemented (Metropolitan Melbourne).

There is widespread belief in the general community (around 80 per cent) about a perceived lack of outcomes and progress from efforts to help Aboriginal people.

But this somewhat analytical distrust and scepticism about the Commission's outcome, however well or ill-placed, was more than overshadowed by a much more pragmatic pessimism based on what was perceived as the daily experience of continuing prejudice and discrimination:

It's still even the same with publicans in hotels. They still act like they used to all those years ago. Sometimes they refuse to serve Aboriginal people just because of their colour (Regional Victoria).

Shop traders here in [Regional town] discriminate against Koories all the time. We know of cases where staff will follow Koories around the shop until they leave. There was a case where a mother and a disabled person went into a shop and were told to leave their bags at the door (Regional Victoria).

Racism is rife – we see it everyday. One day I took three darker skinned girls down the street to [department store]. The minute we walked into the shop we were approached by security guards to check their bags. It drives me crazy ... Our local \$2 shop is the same. Our girls went there and came back crying because the shopkeeper wanted to search them (Metropolitan Melbourne).

We have a Klu Klux Klan here in [Regional town]. We still have the mission mentality too. We still have shopkeepers who hold onto our key cards (Regional Victoria).

I think that [Regional town] is really a more racist community than [Regional town] ... I think the Koori community here are a bit more subdued. They don't want to lift their profile because they are afraid of the reprisals (Regional Victoria).

Within Government, it appears the experience for Indigenous persons can also be negative:

DHS still have that welfare mentality (Regional Victoria).

Mainstream providers just don't understand Koori business. You just gotta walk away because they don't understand kinship ties (Regional Victoria).

A couple of years ago we did a cultural awareness workshop at the local primary school with the teachers. We saw how many of those were really racist (Regional Victoria).

Police see Koori women and they automatically think they are being bashed by their man ... When you tell DHS that the women are coming to a Koori refuge, then they automatically say that they have to come and inspect the house ... DHS wouldn't do that to non-Indigenous refugees (Metropolitan Melbourne).

Again, non-Indigenous people can be perceived as having limited or no understanding of the Koori community:

Those high up Christian people automatically assume the worst of our people. They think they died from a drug overdose or suicide ... I was on the bus the other day ... and I heard a conversation of two women. They were talking about the Aboriginal community and said that the Tongans were better because they had leadership and we didn't. They were saying we need to do something for Aboriginals because they don't have anything. I reckon they suffer from guilt for what happened to Aboriginal people and they just need to make themselves feel good by trying to help us (Regional Victoria).

These extracts are by no means exhaustive of the accounts of discrimination, personal and systemic, and lack of understanding of Indigenous people, encountered in the course of the Review. Many other instances of such attitudes and behaviour were recounted in the context of institutional settings like housing, health, education and employment to which this Review attends in other parts of this section.

Moreover, although extensive responses to the role of the media were not elicited in the course of our enquiries (nor were any government responses provided), the point was graphically underlined by one deeply resentful account of media reports of a deceased Indigenous person as *drunk, dirty and diseased*. Similar concerns about media stereotyping were voiced in the Saulwick and Muller study (2000: 13). Nor, and perhaps of particular relevance to departmental heads and to the political leaders alluded to in Recommendation 339, were some of the Review's respondents averse to voicing either the fundamental importance of underlying influences in these matters or the need for accountability on the part of those responsible for doing something about them:

Despite much implementation of Recommendations from the Royal Commission, a decade of Reconciliation, and implementation of the Recommendations arising from that decade, it is clear that this joint history is NOT yet burned into the consciousness of non-Aboriginal Australia. Any review of the Recommendations of the Black Deaths in Custody must take into account that, while there is now some symbolic recognition given to the presence of Indigenous society, any real societal transformation is not complete and will continue to hamper any future implementation work (Aboriginal Catholic Ministry Melbourne, 2004: 2).

Yet there are signs of hope, exemplified by activities of local reconciliation groups and examples of best practice partnerships.

In respect to what happened in the past, a large majority of Australians (84 per cent) acknowledge that Aboriginal people were treated harshly and unfairly in the past and around 60 per cent agree that Australia should formally acknowledge Aboriginal people as the original owners of traditional lands and waters and that Australia was occupied without the consent of Aboriginal people.

Almost all (92 per cent) of respondents to the Saulwick Age Poll agreed that Australia should recognise the traditional beliefs and culture of Aboriginal people, yet 58 per cent believe that Aboriginal people should not have special rights, such as Native Title or special seats in Parliament (35 per cent said they should).

Finally there remains a strong need too within the Indigenous community for their own cultural awareness programs and which is about its cultural survival:

We need outreach services to assist in integration back into family and society. Our boys carry shame and grief on them every day (Metropolitan Melbourne).

5.10.3 Review Comments and Recommendations

The Review has difficulty in accepting the proposition that Recommendations 206 – 208 pertaining to the media do not have relevance to Victoria, although it acknowledges that no government department has direct responsibility. It is the Review position that the Victorian Government can address these Recommendations, initiating discussions with media organisations and Indigenous organisations regarding these Recommendations.

The Review has had difficulty in assessing the extent to which the reports received from departments and agencies reflect meaningful implementation of the critical Recommendation 210 pertaining to training on cultural awareness which goes across the whole of government. It therefore recommends government departments and agencies provide further information on this subject, including extent, duration, content and level of training and course evaluation, and on methods of negotiating and consulting with Indigenous people.

The Review Team also notes an absence of evidence in relation to the evaluation of such courses and to the reaction and experience of the various Indigenous parties to the initiatives. The lack of a cultural awareness whole-of-government approach is an issue of concern.

The Review notes the comments of the EOCV about the way in which its budget allocation limits the scope and size of the Indigenous Outreach Program and access to advocacy support to pursue their complaints. It also endorses the EOC view that the relevance of Recommendation 311 would be enhanced if it was placed within a human rights and social justice context.

The Review notes the various difficulties cited by the EOCV in relation to the Implementation of Recommendation 212 on the effective use of anti-discrimination mechanisms. Noting that the Royal Commission called for appropriate consultation and the development of strategies in this area, the Review believes action on these matters should be urgently undertaken.

The Review notes that Recommendation 213 relating to racial vilification legislation has been fully implemented.

At the level of the State Government the Review noted the joint sitting on Aboriginal reconciliation (31 May 2000) and the Bracks Government's *Reconciliation and Respect* (1999) policy commitment which stated:

Labour in Government will give a special priority to building a new understanding between the original inhabitants of our land and the wider Victorian community. We will seek Reconciliation with Indigenous Victorians that is based on recognition of their heritage and respect for their contribution as people and communities. Labor will actively support and promote the Reconciliation process in Government with the aim of helping a lasting settlement between Indigenous and other Australians (Australian Labor Party, 1999: i).

It is surprising that not more substantial information has been provided by Government departments on the implementation of the important Recommendation 339 relating to bi-partisan political leadership for the reconciliation movement. Noting the continuing dissatisfaction expressed by Aboriginal people consulted in the course of the Review, in itself generative of scepticism about non-Indigenous intentions on the reconciliation issue, the

Review believes that a statement or restatement of bi-partisan political support for the reconciliation process in Victoria would be very timely.

Further information is required on the reconciliation process and related activities within the Victorian public sector, including local government as well as more broadly. A number of initiatives based at the level of local government were observed by the Review. For example, the City of Yarra's Aboriginal Partnership Plan – *Wurundjeri Reconciliation and Social Justice 2004-2008* launched on 28 October 2004; the various activities in the City of Darebin and the activities of the Inter-Council Aboriginal Consultative Committee (ICACC) grouping of councils in South-East Victoria.

The Review noted the range of activities of Reconciliation Victoria which is a non-profit community-based organisation. As part of its stated values is *increased understanding of Indigenous rights and heritage ... recognition of the unique status of Indigenous peoples in Australia*.

Recommendation 30.

- That, in relation to Recommendation 210 relating to cultural awareness training, Victorian Government departments and agencies report to the proposed Statewide Indigenous Representative body on:
 - (a) the evaluation of their respective cultural awareness training courses;
 - (b) how the cultural sensitivity of their officers and their initiatives are assessed by the Aboriginal community or persons; and
- That the Victorian Government continue to implement and monitor Recommendation 210 (relating to cultural awareness training) through any monitoring process established as a consequence of this Review.

Recommendation 31.

- That in respect of Recommendations 211-213, relating to anti-discrimination mechanisms, the Equal Opportunity Commission of Victoria in partnership with the RAJAC Network:
 - (a) report on the capacity to meet its responsibilities to Indigenous people and community;
 - (b) report on activities in relation to the Indigenous community and any future review of it in a human rights rather than an anti-discrimination framework;
 - (c) report on short and longer term strategies for overcoming difficulties cited in relation to Recommendation 212 and include plans for the development of protocols for interaction between EOC and Government departments and agencies such as police, prisons and schools at all levels;
 - (d) provide a report to the Aboriginal Justice Forum on (a)-(c); and
- That the Victorian Government continue to implement and monitor Recommendation 211-213 (relating to anti-discrimination mechanisms) through any monitoring process established as a consequence of this Review.

Recommendation 32.

- That the Department for Victorian Communities (Aboriginal Affairs Victoria):
 - (a) initiate discussions with the media and other related bodies and Indigenous organisations in relation to Recommendations 206-208 and consider proposals, including:
 - establishment of an annual media award in line with the Royal Commission's Recommendation 206;
 - examine the content and structure of journalism courses in accordance with Recommendation 207 relating to teaching and reporting of Indigenous matters;
 - exploring ways of improving contact between Aboriginal organisations and the media industry and unions in keeping with Recommendation 208;
 - (b) provide a report to the Secretaries Group for Aboriginal Affairs on (a); and
- That the Victorian Government continue to implement and monitor Recommendation 206-208 (relating to Aboriginal involvement in media and journalism) through any monitoring process established as a consequence of this Review.

Recommendation 33.

- That the Department for Victorian Communities:
 - (a) report to the Statewide Indigenous Representative body on the status of the reconciliation process within the State, with a particular emphasis on the public sector and local government areas (Recommendation 339 relating to the reconciliation process in Victoria); and
- That the Victorian Government continue to implement and monitor Recommendation 339 (relating to the reconciliation process in Victoria) through any monitoring process established as a consequence of this Review.