



**Submission on the**

**Australian Human Rights Commission**

**OPCAT in Australia Consultation Paper**

**July 2017**

# About ACTCOSS

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The ACT Council of Social Service Inc. (ACTCOSS) is the peak representative body for not-for-profit community organisations, people living with disadvantage and low-income citizens of the Territory.

ACTCOSS is a member of the nationwide COSS network, made up of each of the state and territory Councils and the national body, the Australian Council of Social Service (ACOSS).

ACTCOSS' vision is to live in a fair and equitable community that respects and values diversity, human rights and sustainability and promotes justice, equity, reconciliation and social inclusion.

The membership of the Council includes the majority of community based service providers in the social welfare area, a range of community associations and networks, self-help and consumer groups and interested individuals.

ACTCOSS advises that this document may be publicly distributed, including by placing a copy on our website.

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## Introduction

The ACT Council of Social Service (ACTCOSS) is the peak body for community organisations and people experiencing disadvantage in the ACT.

ACTCOSS supports the ratification and implementation of the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) as a mechanism to contribute to the prevention of mistreatment and abuse in detention settings, and enhance accountability. Increasing accountability and transparency in these settings is important for civil society to effectively work to ensure the human rights of people in places of detention. Community organisations and direct service deliverers do invaluable work with people who are or who have been in detention, and ACTCOSS is invested in ensuring these stakeholders are consulted as experts in the establishment of mechanisms such as the OPCAT.

ACTCOSS believes the OPCAT consultation process can be far more inclusive of civil society organisations and people with lived experience of disadvantage. In preparing this submission, we consulted with a number of our members, who have regular contact with people for whom the ratification of OPCAT will positively impact. Many of these stakeholders had not heard of the OPCAT, despite their strong experience and expertise on relevant issues. ACTCOSS would like to use this submission to state the need for more inclusive, accessible, and proactive engagement with community organisations and people with lived experience in the OPCAT consultation process, and throughout its implementation. Below we highlight some key issues on the OPCAT as it relates to the ACT community, as well as some examples of ways of improving engagement with key affected communities and people with lived experience.

## Accessibility and inclusivity

To ensure civil society can effectively engage with the OPCAT, particularly the NPM, more must be done to mainstream knowledge of the Protocol and its mechanisms. Human rights discourse can be inaccessible to many who may have valuable insight and expertise. People with lived experience in detention, community organisations and service deliverers will particularly benefit from greater awareness of the OPCAT in the public domain. As it stands, those unfamiliar with the OPCAT may not immediately be aware that it extends beyond torture, and that it is relevant to improving prevention of mistreatment and abuse.

Lack of knowledge and familiarity with human rights language and mechanisms to enshrine and assert these rights is a barrier to engagement with relevant and

informed stakeholders, at the detriment to the consultation process. Enhancing sector awareness on the notable role of the NPM as a functioning mechanism is particularly important due to its on-the-ground relevance. However, international human rights instruments and norms that underpin the OPCAT are out of step with the territory-based legislation and protocols of ACT detention settings. To better communicate the relevance of the OPCAT to community sector organisations and people with lived experience, ACTCOSS recommends the Commission develop a plain language consultation paper specifically aimed at civil society. This resource should clearly emphasise the relevance of the OPCAT, particularly the NPM, at the state and territory levels.

## **Defining the OPCAT**

ACTCOSS understands the discussion around specific detention settings to be covered by the OPCAT is ongoing. These deliberations should be transparent and inclusive of the people and the workers within the relevant setting(s). To effectively implement the OPCAT in Australia, particularly the NPM, affected communities must be allowed to articulate their first-hand experiences and identification of 'mistreatment', and take leadership over responses to issues that affect them. People in detention are often voiceless within the discussions that affect them. It is vital their needs are appropriately considered, and that the sector(s) is fully aware that their inclusion in the OPCAT is being considered.

Consulting with a diverse range of people with lived experience is vital, particularly key equity groups such as: Aboriginal and/or Torres Strait Islander people; culturally and linguistically diverse people; women; and people with disabilities. To support this process, ACTCOSS draws your attention to Attachment A and Attachment B. These reports demonstrate the benefits of proactive, non-traditional forms of engagement. We encourage you to adopt similar practices to engage with a wider variety of responses, and particularly to hear from community members who have valuable insight, but are often silenced in policy discussions.

## **ACT implementation of the NPM**

ACTCOSS strongly believes the ACT should have a territory-specific inspectorate body to carry out the functions of the NPM. We are opposed to a body from an outside jurisdiction carrying out the inspection responsibilities for the Territory. Although the ACT has a relatively small population, to successfully monitor our detention settings it is imperative the inspectorate is aware of specific ACT legislation, justice mechanisms, community expectations and local risk factors. We particularly draw attention to the Human Rights Act 2004, the ACT's use of justice reinvestment mechanisms, the future Inspectorate of Custodial Services,

the ACT Official Visitor Scheme, and the recommendations from the Inquiry into the Treatment in Custody of Steven Freeman (the Moss Review). An ACT-specific inspector would also best facilitate engagement with the community sector, as well as population groups most at risk of mistreatment and abuse in detention.

### **Recommendations**

- The Australian Human Rights Commission develops a plain language consultation paper aimed at civil society, emphasising the relevance of the OPCAT and the NPM at the state and territory levels.
- The Australian Human Rights Commission uses non-traditional forms of engagement, such as community forums, to access input from community members, particularly key equity groups such as: Aboriginal and/or Torres Strait Islander people; culturally and linguistically diverse people; women; and people with disabilities.
- The ACT should have a territory-specific body to carry out the functions of the NPM.

Attachment A to Submission 35 from ATCOSS



# **Report on the 25th Anniversary of the Royal Commission into Aboriginal Deaths in Custody Commemorative Forum**

**An ACT Aboriginal and Torres Strait Islander Elected  
Body and ACT Council of Social Service Inc. joint event**

**May 2017**

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This report has been produced in partnership with the ACT Aboriginal and Torres Strait Islander Elected Body (ATSIEB) (<http://atsieb.com.au>).

ATSIEB Chairperson: Ross Fowler

The preparation of this report was commissioned by ACTCOSS.

Author of this report: Sharon Payne, Sharon Payne & Associates

May 2017

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# Foreword

On 16 February 2017, the ACT Aboriginal and Torres Strait Islander Elected Body (ATSIEB) and ACT Council of Social Service Inc. (ACTCOSS) hosted a forum to commemorate the 25th Anniversary of the final report of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC). The forum was attended by 90 people from across the ACT Aboriginal and Torres Strait Islander community, ACT Government, and the community sector, including Aboriginal and Torres Strait Islander community-led organisations.

This report clearly captures the contributions from forum participants who identified critical actions needed to address the disproportionately high incarceration rates of Aboriginal and Torres Strait Islander people in the ACT. These actions include:

- systemic change and education to address racism and inherent bias in the justice system
- better investment in social support and health services to address underlying causes
- Aboriginal and Torres Strait Islander led initiatives be adequately resourced and supported
- leadership from government and senior management that enables all of the above.

The 339 recommendations of the final RCIADIC report were seen to continue to provide a blueprint for achieving such change. Forum participants built on this, identifying specific actions needed to address key concerns in the ACT today.

We note that there was strong support for justice reinvestment among forum participants and that the Yarrabi Bamirr justice reinvestment trial was subsequently launched on 26 April 2017. The forum report provides further encouragement for ACT Government to support and resource diverse Aboriginal and Torres Strait Islander community programs working to address the social determinants of contact with the criminal justice system and the care and protection system.

ATSIEB and ACTCOSS convened the commemorative forum to give voice to community concerns and solutions. We share the view that the Aboriginal and Torres Strait Islander community must have leadership in addressing the issues affecting them. A key message of this report is that the role for government and mainstream organisations is to respect that Aboriginal and Torres Strait Islander community organisations should access the resources to lead this vital work and determine whether and how they partner with others. Non-Indigenous leaders need to have the strength, humility and wisdom to be led by and work with the Aboriginal and Torres Strait Islander community in order to achieve the systemic change needed to arrest the spiralling rate of incarceration in the ACT.

Ross Fowler  
Chairperson  
ATSIEB

Susan Helyar  
Director  
ACTCOSS



# Introduction

This report is from the Commemorative Forum conducted by the Aboriginal and Torres Strait Islander Elected Body (ATSIEB) and the ACT Council of Social Service (ACTCOSS) to mark the 25<sup>th</sup> Anniversary of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) final report.<sup>1</sup> Forum guests included the ACT Minister for Aboriginal and Torres Strait Islander Affairs Ms Rachel Stephen-Smith MLA, members of the local Aboriginal and Torres Strait Islander community, staff from community organisations and government agencies, and ATSIEB members.

The forum was to assess the implementation of RCIADIC recommendations in the ACT and seek feedback about the current situation with regards to deaths in custody. More importantly it was to seek advice from participants about priorities for action including identifying what needs to be done and who needs to be involved in order to move forward.

There were a number of other reports, reviews and statements that also provided information and data for this forum, as well as endorsing the outcomes contained in this report. These included the latest findings in the *Closing the Gap Prime Minister's Report 2017*,<sup>2</sup> which showed that in six years only one of the targets had been met; and the targets contained in *The Redfern Statement*,<sup>3</sup> which is backed by more than 50 national Aboriginal and mainstream organisations.

Two other reports of significance for the forum are the *ACT Corrective Services 2014-15 Internal Review of the relevant Recommendations of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC)*<sup>4</sup> and the *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015-2018*.<sup>5</sup> While the Corrective Services Internal Review maintains that most of the relevant recommendations have been implemented such as the provision of education and therapeutic programs at the Alexander Maconochie Centre (AMC), there are concerns about the number and category of detainees that are

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1 Royal Commission into Aboriginal Deaths into Aboriginal Deaths in Custody, *Final Report of the Royal Commission into Aboriginal Deaths in Custody*, Australian Government Publishing Service, Canberra, 1991.

2 Commonwealth of Australia, Department of the Prime Minister and Cabinet, *Closing the Gap Prime Minister's Report 2017*, Australian Government, Canberra, 2017. Although arrest/imprisonment rates are not included, many of the targets are directly linked to the factors that lead to contact with the criminal justice system.

3 Aboriginal and Torres Strait Islander Peak Organisations, *The Redfern Statement*, National Congress of Australia's First Peoples, Sydney, 2016. The statement proposes a number of initiatives across a range of areas, including health, education, justice and family violence and (in relation to incarceration rates and deaths in custody), calls for a new Closing the Gap target focused on driving down the number of Aboriginal and Torres Strait Islander Australians in jail; and support for justice reinvestment — where money is redirected to address underlying causes of crime.

4 ACT Justice and Community Safety Directorate, *ACT Corrective Services 2014-15 internal review of relevant recommendations of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC)*, ACT Government, 2015.

5 ACT Government & ATSIEB, *ACT Aboriginal and Torres Strait Islander Justice Partnership 2015-18*, ACT Government, Canberra, 2015.

able to access suitable programs. Likewise there is an issue of overcrowding, and the capacity of staff to manage as incarceration rates skyrocket and budgets are stretched.

The *ACT Aboriginal and Torres Strait Islander Justice Partnership 2016-2018* takes a targeted approach to addressing the over-representation of Aboriginal and Torres Strait Islander people in the ACT justice system through the identification of three key objectives that detail targets, measures, actions and areas of accountability. The three objectives are:

1. reducing over-representation by:
  - reducing recidivism
  - increasing access to diversionary programs
2. improving access to justice services
3. improving data collection and reporting.

Although there appears to be some attempt to address the targets, the lack of suitable diversionary programs or ongoing help for ex-prisoners to reintegrate back into the community, is seen as an impediment to reducing recidivism and offending behaviours. It should also be noted that there have been no official reviews recently of policing or the courts' performance in relation to the implementation of RCIADIC recommendations in the ACT.

In summary then, while it was acknowledged that there are individual achievements, participants at the forum overwhelmingly agreed that systemic change is the only way to address the current over-representation of Aboriginal and Torres Strait Islander adults and children in custody. This includes a focus on preventing children and young people being removed from their families, placed in foster care and (as often the case) ending up in detention. Committing resources to support families and providing 'safety-nets' to counter negative childhood experiences along with the spiralling costs of policing, courts and imprisonment, was considered a much better investment.

Three underlying concepts informed the outcomes:

- To treat unequal people as equals creates inequality
- To do the same thing over again when it is not working and expect improvement is illogical and doomed to fail
- To recognise the unconscious biases that influence decision making will ensure fairness and just outcomes for everyone.

## Opening and introductions

The ATSIEB Chairperson Mr Ross Fowler formally opened the forum by acknowledging the traditional owners, participants and invited guests; and the partnering support from ACTCOSS to conduct the event. He noted the significance of the forum marking the RCIADIC anniversary and the opportunity this provided to assess the current situation regarding Aboriginal and Torres Strait Islander deaths in custody and work with the community, service providers and the ACT Government into the future.

This was followed by the Welcome to Country by Ngunnawal Elder Ms Violet Sheridan. Mr Fowler then took the opportunity to hold a minute's silence in recognition of the death in custody of Mr Steven Freeman at AMC and to acknowledge the work to date undertaken by Ms Julie Tongs, CEO of Winnunga Nimmityjah Aboriginal Health Service to support the family of the deceased. The vital work of community organisations in assisting mainstream agencies to manage and respond to the emotional and social needs of Aboriginal and Torres Strait Islander people at times of personal trauma was also acknowledged.

## Presentations

Three expert speakers who had been closely involved with the RCIADIC and/or are currently involved with the ACT criminal justice system were invited to present their views on the implementation of the RCIADIC recommendations. They also spoke of the need to refocus efforts in order to address the current incarceration rates of Aboriginal and Torres Strait Islander people in the ACT, which currently stand at the highest in the country.

### **Professor Mick Dodson AM, Director, National Centre for Indigenous Studies & Professor of Law, ANU College of Law, the Australian National University**

Professor Dodson reflected on his time working with the Royal Commission and the hopes that it would make a difference for Aboriginal people and the justice system. The 339 recommendations were so far reaching and provided a comprehensive blueprint for addressing not just custody and imprisonment but also health and social issues. But their implementation has been sketchy to say the least with those that had been implemented often ignored or overturned.

Professor Dodson said that in particular, given the increasing prison populations and number of prisons being built to house them, 'the Royal Commission's over-arching recommendation of *imprisonment as the last resort*, despite claims in many jurisdictions about it being implemented, had clearly not been taken seriously'. In

recent cases of deaths in custody we have seen that at least one, but more often multiple, recommendations of the Royal Commission into Aboriginal Deaths in Custody had not been adhered to.

Professor Dodson also spoke about the Justice Reinvestment three year research study that the National Centre for Indigenous Studies (NCIS) at the ANU has undertaken in the town of Cowra NSW. The study not only looked at the cost of incarcerating so many young people (\$23 million per year) but the lack of positive outcomes and the ongoing cost for society. By reinvesting in prevention and intervention and taking a less punitive approach when particularly minor crimes are committed the researchers found that less crime was being committed.

The findings (while still being finalised) also demonstrated many other positive outcomes including greater cooperation and communication in the town about tackling crime and its causes. Justice reinvestment, however, requires a political decision to invest money back into the community and away from incarceration. With justice reinvestment the community reclaims the individual and the individual belongs to the community.

## **Ms Louise Taylor, Deputy Chief Executive Officer, Legal Aid ACT**

Ms Louise Taylor shared her experiences as a prosecutor and defence lawyer at the coalface of the criminal justice system, where she sees first-hand its failings. She called for 'an honest discussion about the purpose of a criminal justice system and where best we should be looking to task with the responsibility of turning those lives and those destinies around'. The coroner's report on the death in police custody of a young Aboriginal woman in Western Australia 'sent a clear message' about 'the racism – that insidious, toxic, deadly racism – that lies at the heart of why our people still die in custody', she said. The lack of will by those tasked with the responsibility to provide care was a symptom of why incarceration numbers are increasing and deaths in custody are occurring.

Ms Taylor also referred to disappointment with the High Court's decision in *Bugmy* in 2013 where they rejected the idea that Aboriginal and Torres Strait Islander offenders brought with them a unique history of oppression and disadvantage, holding to the individualised justice system that provides little room for the collective position of a people.<sup>6</sup> The High Court had been invited to consider the Canadian approach where courts are bound to consider the over-representation of First Nations people when sentencing, by way of a report about their historical and contemporary position and the impact on individual defendants.<sup>7</sup> These reports are referred to as Gladue reports (after *R v Gladue*) and are a type of pre-sentence or bail hearing report that Canadian courts can use when considering an offender of Aboriginal background.

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<sup>6</sup> *William David Bugmy v The Queen* [2013] HCA 37.

<sup>7</sup> Gladue reports from *R v Gladue* [1999] 1 SCR 688 (see also *R v Ipeelee* [2012] SCC 13).

Ms Taylor stated that as the High Court made it clear that without legislation, everyone before the law is treated equally. The Canadian Government recognised that First Nations people warrant particular consideration when it comes to incarceration, and enacted legislation to underpin that approach. The 'Moss Inquiry' into the death in custody of Mr Steven Freeman recommends that there be similar legislation here.<sup>8</sup> She also noted potential not only for better informed sentencing decision/s for one person but also the added benefit of judicial (and court) education generally.

The lack of focus by the RCIADIC on the special needs of Aboriginal and Torres Strait Islander women was another issue that was highlighted in Ms Taylor's presentation. Her experience and current statistics reveal that 'Aboriginal women present particular and unique challenges to the systems that deal with them'. Interaction 'with the criminal justice and related systems [is] in a variety of ways... as victims of crime, perpetrators of crime and increasingly at the coalface of the intrusion of the child protection system. A failure to take this [into] account misses an opportunity to properly scrutinise the treatment of and solutions for Aboriginal women', she said.

## **Ms Sharon Payne, Expert consultant on Aboriginal justice and community safety**

Ms Sharon Payne spoke of her experiences first as the ATSIC Contact Officer for the RCIADIC, then developing the Federal Government's response to the final report recommendations and as a researcher for the *Indigenous Deaths in Custody 1989-1996* report. Since then, she also witnessed first-hand the result of not implementing the RCIADIC recommendations as the CEO of two Aboriginal legal services and working within the justice system for most of her career.

Ms Payne pointed out that while the number of 'suspicious' deaths in [police] custody had decreased in the years between the RCIADIC and the *Indigenous Deaths in Custody* report, the rate of incarceration had increased to the point there were the same number of deaths in the seven year period following RCIADIC. The high morbidity rate for Aboriginal people combined with the high incarceration rate (and lack of care as demonstrated by Ms Dhu's police custody death in WA) provides a shocking statistic that would not be tolerated for any other group. Aboriginal people with mental or physical issues are often categorised as troublemakers or 'faking it', demonstrating the cognitive biases that inform these decisions and the subsequent treatment of prisoners.

Ms Payne also shared her experience as a current member of the Galambany Circle Sentencing Court and frustration at the lack of alternatives to imprisonment, as well as the number of offences that have mandatory terms of imprisonment as a minimum sentence (e.g. non-payment of fines). Further she identified the lack of understanding and knowledge by the judiciary and prosecutors (as well as those preparing pre-

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<sup>8</sup> P Moss, 'So much sadness in our lives': *Independent Inquiry into the Treatment in Custody of Steven Freeman*, ACT Government, November 2016.

sentence reports and/or mental health reports) about Aboriginal values, lived experiences and unique history of oppression as another challenge.

Research conducted over the past ten years by neuroscientist colleagues to understand the impact of adverse childhoods shows unequivocally that foster care is one of the indicators of those most likely to end up in the criminal justice system. Ms Payne contended that the incarceration in youth and adult detention over the past few years is directly linked to removal of children through government intervention. As she noted, 'it is relatively easy to prevent when no child is left behind; we know that expecting children to make good decisions and then criminalising them when they don't, is the worst thing we can do; and we know that punishment doesn't work, often having the opposite effect of embedding criminal behaviours'.

## Panel discussion and Q&A

The presentations were followed by a panel discussion with a question and answer session hosted by ACTCOSS Director Ms Susan Heylar where participants shared their views and sought further observations from presenters on issues they had raised. The following is a summary of the major issues discussed by participants and presenters during the Q & A.

**Aboriginal and Torres Strait Islander people are vastly over-represented in the prison and community corrections system in the ACT.** The ACT has the highest ratio of crude Aboriginal and Torres Strait Islander/Non-Indigenous rate in Australia.<sup>9</sup> In 2016, Aboriginal and Torres Strait Islander people comprised 24 percent (105 prisoners) of the adult prisoner population.<sup>10</sup> The government needs to urgently address this looking for the underlying reasons and not just think that the system is working.

**There needs to be more investment and focus on educating non-Indigenous people** about their roles and attitudes as well as investment in training and education for Aboriginal and Torres Strait Islander people to understand the impact of colonisation and discrimination.

**The substantial increase in the number of children being removed and placed in foster care over the past decade is extremely worrying** given that the removal of children is linked to social problems which lead to antisocial behaviours, police attention and finally increased incarceration rates. 'The child protection system is fundamentally impacting the lives of Aboriginal women, mothers and families in an oppressive way'. It was also noted that 'mainstream services do not deliver appropriately for Aboriginal women nor are they focused on supporting families to stay

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9 Productivity Commission, *Report on Government Services, Volume C: Justice*, Productivity Commission, Canberra, 2017.

10 ABS, *Prisoners in Australia, 2016*, cat. no. 4517.0, ABS, Canberra, 2016.

together, removing children is the first strike'. Participants expressed concern that 'the Aboriginal Child Place Principle is being ignored in the ACT [despite the legislation] and another stolen generation is happening right now'.<sup>11</sup>

**The social mobility of Aboriginal and Torres Strait Islander people in the ACT must be taken into consideration in sentencing decisions or when children are to be removed** – many have families or come from interstate so added problems with family members incarcerated or have children removed. Added to the economic and travel issues, as one community worker put it, 'cross-border complications are leaving people in the dark, as child protection is in different jurisdictions – such as families with members in the ACT and Queanbeyan'. Likewise, paroled prisoners from other areas who must remain in the ACT are more vulnerable away from the support of family, are homeless and/or more likely to re-offend.

**Collective agreement making between government agencies and support organisations is not working with regards to Aboriginal and Torres Strait Islander incarceration/justice issues.** Given that many inmates present with mental health and medical issues, there needs to be better communication and more education surrounding the extent of the problems in the ACT, to develop more holistic approach rather than arguing about which program works better or is more of a priority.

**Programs like throughcare and offenders' pre-release require the coordination and planning of a wide range of services** including housing, mental health, drug and alcohol, behavioural management, training and employment assistance. This support is critical for Aboriginal and Torres Strait Islander detainees. Providing intensive support for the initial period after release from custody is an important component in reducing recidivism.

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11 *Children and Young People Act 2008 (ACT)*, section 10. Aboriginal and Torres Strait Islander children and young people principle. In making a decision under this Act in relation to an Aboriginal or Torres Strait Islander child or young person, in addition to the matters in section 8 and section 9, the decision-maker must take into account the following: (a) for the care and protection chapters—care and protection principles (see s 350); (b) for ch 20—childcare services principles (see s 730). In addition to these general principles, the following principles also apply: (c) the need for the child or young person to maintain a connection with the lifestyle, culture and traditions of the child's or young person's Aboriginal or Torres Strait Islander community; [submissions about the child or young person made by or on behalf of any Aboriginal or Torres Strait Islander people or organisations identified by the director-general as providing ongoing support services to the child or young person or the child's or young person's family]; (d) the traditions and cultural values (including kinship rules) of Aboriginal and Torres Strait Islander people as identified by reference to the child's or young person's family and kinship relationships and the community with which the child or young person has the strongest affiliation.

## Group discussions

After a short break, participants were separated into three groups to discuss the following three questions:

- What are priorities for action for the Canberra community?
- What should be the next steps towards these actions?
- Who needs to be involved from here onwards?

The group discussion session ran for 45 minutes allowing around 15 minutes per question. The groups then recorded their discussions on butcher paper, which were collected at the end of the session for this report.

Given the diversity of participants within each group, including Aboriginal and Torres Strait Islander community members and staff from 'Indigenous identified' positions within government agencies, two clear priorities emerged from the forum. They are:

1. preventative measures through justice reinvestment where funds spent on building safer communities through more laws, policing and imprisonment are instead spent on building peaceful communities
2. education/information for those involved with the criminal justice, mental health and child protection systems so that better informed decisions regarding Aboriginal and Torres Strait Islander people are made. Helping children avoid or get past early traumas so they don't become a part of the justice system.

Neither is costly but they do require recognition that the current system is inherently biased when dealing with Aboriginal and Torres Strait Islander peoples, and that early intervention by investing funds currently spent on police and prisons, into building a peaceful, equitable society is the best way to alleviate the rising social and economic costs of continuing to arrest, convict and imprison.

Many of the responses and comments by the groups are relevant to two or more of the questions, and are summarised as follows.

Participants generally believed that the increasing imprisonment and arrest rates is caused by a number of factors, including lack of understanding by those in positions of authority about the lived experiences of Aboriginal and Torres Strait Islander defendants. As a group, Aboriginal and Torres Strait Islander people have been placed at a serious disadvantage in society due to a number of factors that stem from the generational effects of colonisation. There has been extraordinary growth in prisoner numbers among Aboriginal and Torres Strait Islander peoples. This reflects the issues that Aboriginal and Torres Strait Islander people face at each step of the criminal justice system.



Concern was expressed about arrest and imprisonment rates being the only thing that is recorded to measure success of criminal justice system, rather than how effective it is in reducing reoffending and crime rates generally. The experiences for Aboriginal and Torres Strait Islander defendants and victims within the Australian justice system are interwoven with many social, economic and political issues such as drug and alcohol abuse, poverty, unemployment and the loss of cultural identity. Any approaches to address the high incarceration rates must recognise these factors if there is to be systemic change.

Comments such as 'they don't know us at all' and 'they make decisions about us based on misinformation and assumptions' demonstrated the community participants' frustration and the need to make better informed decisions when dealing with people from Aboriginal and Torres Strait Islander backgrounds. It was felt that the traditional approach of providing 'Aboriginal and Torres Strait Islander cultural awareness training' has not worked; and understanding about how everyone's social and cultural norms influence their decision making would lead to more equitable outcomes.

There needs to be recognition of the underlying assumptions (e.g. in applying the 'rule of law'), and much better information for the judiciary about the issues facing Aboriginal and Torres Strait Islander defendants when convicting, sentencing and/or setting bail. Again, the use of Gladue type reports was seen as going some way to alleviate misinformation and provide much needed background material for making just decisions. The influence of prosecutors in presenting their evidence first and presenting opinions as facts was especially noted as one group that needed more education and information.

The call for more Aboriginal and Torres Strait Islander staff throughout all areas of the justice system was tempered by comments about the constraints of working within a structure developed by 'educated wealthy white men' whose experiences were very different. The pressure on those working within the system to uphold the appearance of objectivity and 'fit in' is counterproductive to any influence on decision making that Aboriginal and Torres Strait Islander staff may exert.

The enormous economic cost (apart from the social cost) of policing, prosecution and prisons was another factor participants expressed concern about, with the understanding that the cost per day in the ACT is around \$700 for each prisoner, with juvenile detention costs even higher. It was noted that 'over a five-year period substantial funds could be freed up from expenditure just on prisons and redirected to expenditure targeted on reducing crime. If the rate of incarceration was reduced by 2 percent per annum, then savings of almost \$2.5 billion could be realised [nationwide] over five years, which, if invested in the social support and health services would, over time, address the underlying causes of crime'.<sup>12</sup>

In line with previous comments by presenters and participants, the commitment to justice reinvestment was seen as the key vehicle for addressing reoffending and making the justice system more effective and efficient. Justice reinvestment involves

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12 Red Cross, *Rethinking justice: vulnerability report*, 2016, Red Cross, Carlton Vic, March 2016.

the rebalancing of criminal justice expenditure from custody to community-based initiatives that tackle the causes of crime rather than the results of crime. A commitment to embed justice reinvestment as the guiding principle to address high incarceration rates in the ACT would require the support of all parties, in particular the government and opposition.

Participants also believed that only by supporting Aboriginal and Torres Strait Islander community initiatives through adequate resourcing and support, would there be any chance of successful system wide improvements. Many spoke of their frustration and sense of helplessness that happens when funding decisions are imposed without consultation. Too often 'grants are given to mainstream agencies to provide programs for Aboriginal and Torres Strait Islander clients due to their ability to write submissions, rather than any experience any experience working with Aboriginal or Torres Strait Islander people'. Under-resourced community organisations are then called upon to help deliver services in addition to their existing responsibilities.

Participants generally believed that many of the priorities and actions require leadership from government and senior management in order to demonstrate their commitment and engagement with changing the system, including:

- Deputy Chief Minister (and Minister for Education and Early Childhood, Development; Housing and Suburban Development; Prevention of Domestic and Family Violence)
- Attorney-General
- Minister for Police and Emergency Services
- Minister for Justice, Consumer Affairs and Road Safety; Corrections; Mental Health
- Minister for Community Services and Social Inclusion; Disability, Children and Youth; Aboriginal and Torres Strait Islander Affairs
- ACT Chief Magistrate and Chief Justice, ACT Supreme Court
- ACT Police Commissioner
- Directors-General and senior managers of ACT Government directorates
- Director of Public Prosecutions
- General Managers of the Alexander Maconochie Centre and Bimberi Youth Justice Centre.

Bipartisan agreement between government and opposition was also seen as necessary to implement societal changes, that is, moving away from punishment to prevention as a way of dealing with offending behaviours.

A diversity of Aboriginal and Torres Strait Islander organisations and programs including:

- Aboriginal Legal Service (ACT office)
- Galambany Circle Sentencing Court
- Gugan Gulwan Aboriginal Youth Corporation
- Winnunga Nimmitjiah Aboriginal Health Service
- The Indigenous Official Prison Visitor (AMC and Bimberi)
- Aboriginal and Torres Strait Islander workers at mainstream services
- Aboriginal and Torres Strait Islander Elders' and youth groups
- Aboriginal and Torres Strait Islander community support organisations (e.g. Tjillari Justice for families of inmates).

## Group comments and recommendations

The following comments and recommendations were collated from the group discussions recorded on butcher's paper. Not all comments are included, particularly when they were similar or the same as others already noted from other groups.

### Priorities for action

- More Aboriginal and Torres Strait Islander judges and magistrates and training for others for dealing with Aboriginal defendants
- Implement the use of Gladue reports for informing judicial decisions about Aboriginal and Torres Strait Islander defendants
- Review of sentencing in the ACT with regard to human rights 'standards' and RCIADIC recommendations (is imprisonment really the last resort? - look at statistics, categories of crimes and sentencing reports)
- Conduct cost-benefit analysis of current approach with more beneficial approaches, using overseas models as guidance if necessary
- Review to measure outcomes of incarceration (not just rates) – to see how and to what extent is incarceration 'working'; performance of AMC against RCIADIC recommendations (on health care services, mental health) (using international indicators to measure Aboriginal and Torres Strait Islander justice outcomes)
- Cultural self-awareness training for all staff in criminal justice system – police, judiciary, prosecutors, support agency staff, etc.
- Change thinking about how we invest taxes – in people not prisons

- Justice reinvestment to provide more resources to preventing crime including those that address reoffending (Cowra trial provides model for ACT)
- Monitor performance of government, justice agencies and service provision, e.g. Indigenous Sentence Review Board for policy development and sentencing decisions about individual matters
- Better consultation with real community engagement and involvement in decision making, seek input from start not when things go wrong; better ways to engage especially with prisoners and women
- More diversionary programs that deal with the real issues young people are facing including lack of skills and education, personal development, poverty and homelessness
- Look at links to low educational outcomes for young offenders and provide support to improve them (clothing, transport, lunch as well as help with school work)
- Look at driving offences – if offence is for lack of driver's license then government should pay for license, not punish for being too poor to pay for one
- Make sure Aboriginal Child Placement Principles are followed when child protection orders are made
- Ensure custody notification is up to date so people don't fall through the gaps
- Too many delays in court procedures – many more Aboriginal young people are remanded in custody for long periods without conviction with ongoing effects on their mental health and increased likelihood to commit more offences.

## Next steps

- Lobby Minister and government to legislate for courts to use something like Gladue reports when sentencing or considering bail applications for Aboriginal and Torres Strait Islander defendants
- Establish an Aboriginal Diversionary Centre featuring culturally appropriate services and support for homeless people
- Review into the effectiveness of incarceration as a 'specific deterrence' (i.e. re-offending rates) and as a 'general deterrence' to others 'from committing the same or similar offences' (i.e. decrease in level of crime)<sup>13</sup>
- Investigate whether incarceration in the ACT meets RCIADIC and human rights standards in practice as per their objects, not just on paper<sup>14</sup>

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<sup>13</sup> According to Section 7.1(b) of the *Crimes (Sentencing) Act 2005* (ACT).

- 'Unfitness to plead' needs clarifying as judiciary seem to be making decisions on personal opinions or unchallenged advice from prosecutors
- Revisit and re-emphasise 'imprisonment as a last resort' not as a first resort, which means we need the services and agencies properly resourced to provide alternatives to imprisonment.
- Better communication and education about what is available to assist prevent criminal behaviours, alternatives to imprisonment (particularly for those with mental illness issues) and rehabilitation measures
- Write to Ministers to ensure that Aboriginal Child Placement Principle is priority when decisions to remove Aboriginal and Torres Strait Islander children are made ('extended family first')
- Ensure adequate training for prison guards and police about dealing with Aboriginal and Torres Strait Islander people, including their own beliefs
- Work out ways to disengage bias, prejudice, discrimination from all justice institutions
- More identified positions within justice system – with scholarship funds to support.

## Parties to be involved

- Aboriginal and Torres Strait Islander organisations and individuals who work with children and prisoners (including the children and families of prisoners)
- Community volunteers and elders (United Ngunnawal Elders Council to ensure cultural protocols are followed)
- Heads of relevant ACT Government directorates, e.g. Corrective Services, Justice and Community Safety Directorate
- Mental (and other) health workers
- The judiciary – magistrates and supreme court
- Ministers and their advisors
- Prosecutors and police

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14 The main objects of the *Corrections Management Act 2007* (ACT) are to promote public safety and the maintenance of a just society, particularly by:

- (a) Ensuring the secure detention of detainees at correctional centres; and
- (b) Ensuring justice, security and good order at correctional centres; and
- (c) Ensuring that detainees are treated in a decent, humane and just way; and
- (d) Promoting the rehabilitation of offenders and their reintegration into society.

- Religious support groups, charities and not-for-profits
- Private enterprise
- Whole of government
- Corrections
- Prisoners.

# **PASSING THE MESSAGE STICK**

**TALKING WITH ABORIGINAL & TORRES STRAIT ISLANDER PEOPLE ABOUT  
SERVICES FOR CHILDREN AND YOUNG PEOPLE IN THE ACT**

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## THE ACT HUMAN RIGHTS COMMISSION

The ACT Human Rights Commission (the Commission) is an independent statutory agency established by the Human Rights Commission Act 2005 (the HRC Act).

The HRC Act establishes five members of the Commission:

- The Children & Young People Commissioner.
- The Disability & Community Services Commissioner.
- The Discrimination Commissioner.
- The Health Services Commissioner.
- The Human Rights Commissioner.

Three people are currently appointed to cover the work of the five positions:

- Alasdair Roy: Children & Young People Commissioner.
- Mary Durkin: Disability & Community Services Commissioner, and Health Services Commissioner.
- Helen Watchirs: Discrimination Commissioner, and Human Rights Commissioner.

The Commission operates from a model of collegiality, with all three Commissioners having equal seniority and decision-making authority within the Commission.

The Commission has a number of roles, including:

- Encouraging and assisting service users and providers to contribute to the review and improvement of service quality.
- Consulting with children and young people in ways that promote their participation in decision making.
- Making recommendations to government and non-government organisations on legislation, policies, practices and services that affect vulnerable groups in the community.
- Promoting improvements in the provision of services for children and young people, disability services, health services, and services for older people.
- Promoting the rights of users of services for children and young people, disability services, health services, and services for older people.

## **PART 1: BACKGROUND**

In 2013, the ACT Human Rights Commission received a one-off special funding grant from the ACT Justice & Community Safety Directorate (JACSD) to work with the ACT Aboriginal and Torres Strait Islander community on the promotion of human rights.

One of the issues raised through that project was that of service delivery for Aboriginal and Torres Strait Islander children and young people, and their families.

In response, the Commission decided to undertake a community engagement activity designed to gain a more detailed understanding of the ACT Aboriginal and Torres Strait Islander community's views about:

- Which services for Aboriginal and Torres Strait Islander children and young people in the ACT work well, and which services don't work so well.
- Ideas for service improvement.

In doing so, the Commission wanted to have an informal conversation with a broad cross section of the Aboriginal and Torres Strait Islander community, and to listen respectfully to all views expressed.

We acknowledge that there are limitations with this type of consultation, in that we only heard from those members of the community who chose to speak with us, and the Commission has not verified the stories told to us. Regardless, everyone who participated in the consultation appeared to be interested in the conversation, and to take their time to form a serious and considered response. Additionally, most of the views expressed by participants are consistent with information provided to the Commission by other people in other forums.

We hope that the information contained in the report is useful to service providers, and will be used as a conversation starter for further discussions about how we can do things better in the ACT. In

## **GATHERING INFORMATION**

The consultation took place between April and June 2014. Guidance was sought from key Aboriginal and Torres Strait Islander services and stakeholders about methods used to gain information from participants. Participation was voluntary, and all information provided by participants was treated confidentially.

Information was sought via paper and on-line surveys; individual and group interviews (both face-to-face and over the telephone); and group community activities.

Participants in the consultation can be separated into two groups:

- Group One consisted of 50 care-givers, including parents, kinship carers, and foster carers. This group included both primary carers, and others who were involved in supporting roles such as relatives or friends who offer respite, day care, babysitting or other forms of informal care.
- Group Two consisted of 73 staff from non-government agencies that provide services for Aboriginal and Torres Strait Islander children and young people, and their families.

Additionally, throughout the consultation process, 23 services involved with supporting children and young people, and their families, provided feedback. This represents both mainstream services as well as services specifically designated for Aboriginal and Torres Strait Islander people. These

agencies represented a broad spectrum of service types including: health care, family support, youth services, child care, out of home care, playgroups, and educational services.

Throughout the consultation, Commission staff:

- Interviewed 90 people including:
  - 50 staff from 23 various services programs.
  - 40 parents, caregivers, and kin carers.
- Spoke with 30 services across the ACT.
- Distributed over 350 postcards and written surveys, and received 30 responses.
- Consulted with seven schools, or other providers of educational services.
- Attended five playgroups.
- Provided information to over 300 foster carers.
- Distributed posters and survey information inviting community consultation at 25 locations.
- Provided information to parents/caregivers at six Long Day Care Centres, and five After School Care Programs.
- Consulted with 69 children and young people from the Jervis Bay Territory.

## ACT GOVERNMENT RESPONSE

On 15 August 2014, the Commission provided a draft copy of this report to the relevant Directorates within the ACT Government, seeking comment on the draft prior to finalisation.

On 21 October 2014, the Director General, Community Services Directorate, wrote to the Commission on behalf of all ACT Government Directorates providing a final coordinated response.

The response commended the Commission *on the width and breadth of the consultation process*, and noted that the draft report *identified improvement for government service delivery in a wide range of areas*. The response also noted that Directorates *place great importance on the provision of appropriate services and programs to support the Aboriginal and Torres Strait Islander community within the ACT*, and that *prioritisation of improvements in terms of urgency and importance will help shape the next steps the ACT Government in addressing what is raised in the report*.

Additionally, the response provided a detailed list of current ACT Government services and programs for Aboriginal and Torres Strait Islander children and young people, and their families. A copy of the Government's response can be found on the Commission's website at: [www.hrc.act.gov.au](http://www.hrc.act.gov.au).

## PART 2: VIEWS EXPRESSED THROUGH SURVEY RESPONSES

The Commission received 30 responses to the on-line and paper surveys. Of the 25 respondents that answered the question on how they would rate services for Aboriginal and Torres Strait Islander children overall, 52% thought they were *poor* or *fair*; 32% thought they were *good* or *very good*; and one person (4%) thought they were *exceptional*.

### ACCESSIBILITY

When asked about how accessible current services are for the community, 58% of survey participants rated accessibility as *poor* or *fair*; 41% rated it as *good*; and nobody thought accessibility was *very good* or *exceptional*. Comments included:

- *There are very limited services for ATSI young people in Canberra. Services other than Gugan Gulwan incorporate programs targeting ATSI young people, which are adapted from mainstream programs and have ATSI tacked on to the program name to give it an appearance of being especially designed for ATSI young people.*
- *Need more services in general for youth than other groups.*
- *There are some good services out there for our YP in particular for young males, not so much for females.*
- *Unless you know where services are and what services are safe to use it is very isolating. Not a lot of support and transparency between agencies (particularly government).*
- *The rental market is a deal breaker for most young people.*

### SERVICE GAPS

When asked about possible gaps in services for Aboriginal and Torres Strait Islander children and young people, 72% of survey participants reported that they have experienced situations where no service existed to meet the specific needs of the child, young person, or family in question. Identified gaps in services included:

- *Ongoing social and emotional well-being support.*
- *An education program for kids that don't like mainstream schooling and work experience programs.*
- *Alcohol and drug.*
- *Disability services.*
- *I was unable to send my niece to a school as I was not receiving centre link benefits and had no proof of residency for her.*
- *Housing/emergency accommodation and/or refuge options.*
- *Culturally safe mental health services for young people, particularly dealing with multiple grief and loss issues and trans-generation of trauma.*
- *Mental health support as unable to access CAMHS.*
- *Non-school based education for 14-16-year olds.*
- *Services that provide extra curricular activities to engage young people and children in activities such as dance, music, sports, to encourage stronger self-esteem, confidence and raise potential to engage in present positive activities.*
- *It is difficult to find a service that will welcome and support non-ATSI foster carers caring for ATSI children. This ultimately disadvantages the children.*

Participants also reported that services specifically for Aboriginal and Torres Strait Islander people did not exist on the north side of Canberra and that this was an issue given the growing population in the Belconnen and Gungahlin regions.

## FEEDBACK ON SERVICE PROVIDERS

Survey participants were asked to identify services that they felt provided particularly good service to Aboriginal and Torres Strait Islander children and young people in the ACT, as well as services that could improve. Of the 16 responses, 14 nominated Aboriginal and Torres Strait Islander specific organisations as providing particularly good service. Comments included:

- *The support workers are less judgemental and have a greater understanding of the shame some families experience accessing support services for their children and youth.*
- *Gugan Gulwan has real people with real experience, not a team filled with uni degree staff with no experience.*
- *Gugan Gulwan specifically caters to the needs of young Aboriginal people in the ACT.*
- *Winnunga's medical centre is very supportive to the ACT Aboriginal and Torres Strait Islander people as they are very understanding.*
- *Gugan Gulwan is a culturally appropriate exceptional service. Great staff and programs.*
- *West Belconnen Child and Family Centre is culturally safe and welcoming, non-judgemental and strengths based.*
- *Gugan Gulwan is culturally safe and community focused.*
- *Students are taught respect for Aboriginal and Torres Strait Islander cultures and the teachers are very culturally supportive and aware. The school deals with any attitudinal issues as they arise and meet the needs of students individually.*
- *Winnunga assists with social emotional well-being.*
- *Therapies are culturally flexible and non-judgemental.*
- *The Men's Shed was a great learning centre for young Koori kids who didn't like attending mainstream schooling.*
- *A culturally appropriate service that delivers direct programs to young Aboriginal children and youth in the ACT.*
- *Richmond Fellowship offers family counselling inspired by positive psychology rather than deficit psychology.*

Participants were also asked to make suggestions to further improve services. Comments included:

- *All services could aim to improve access and appropriateness.*
- *Services should look at individual needs and differences within our culture.*
- *Care and Protection has no frontline Aboriginal staff and instead of using the NSW system of employing Aboriginal staff for their knowledge of the Aboriginal community they have set the bar too high so the Aboriginal community cannot benefit the system by working in the system appropriately.*
- *Lacked understanding of transport issues.*
- *One service I accessed had a judgemental and labelling approach and private practitioners are incredibly expensive.*
- *Staff could try to understand and work with parents and family in a more supportive way.*
- *They use many workers from overseas which has an effect due to the Aboriginal community still being affected by the stolen generation. Can you imagine the thoughts of the Aboriginal community when a white English worker turns up on their door to remove their children or to do an investigation?*
- *More programs for young people are needed that are fitness based.*
- *Improve cultural safety and cultural care plans. Better training of staff around cultural issues.*
- *More sporting and recreational activities for children and young people.*
- *Need improvement in relationship and partnership building in the community.*

- *Provide transport to get to early intervention programs.*
- *More funding for a bigger premises.*
- *More exploration needed around kin options for ATSI children in care. I also feel ATSI children are being disadvantaged by not being considered for adoption despite the legislation allowing for this.*
- *I have found Care and Protection culturally hopeless and they have no understanding of culture or are able to follow any of their own policies or their own placement principles with Aboriginal children. They don't utilise Aboriginal services to benefit working with Aboriginal children and they don't consult with Aboriginal community or members when decision-making for Aboriginal children. They have no clear consistent cultural plans and when they do they don't adhere to the plan anyway.*

Comments about services overall included:

- *Gugan Gulwan is the sole Aboriginal Youth Centre. They get demands placed on them more than any other agency in the ACT. The demand for help is overwhelming and the service isn't funded to have the capacity to do what they are trying to do. The holistic help is what is given and is great and that's why the majority of young people in the ACT go there. Need bigger premises and more staff and could achieve even better results, but also need partnerships with other services.*
- *Lack of understanding about ongoing grief and loss experienced by young people and trans-generational trauma. These are often the underlying causes of issues being experienced by young people and there is a lack of programs to support Aboriginal and Torres Strait young people to address these issues.*
- *The service needs frontline Aboriginal staff assessing and consulting on Aboriginal children in the system and being investigated.*
- *Build cultural integrity and culturally safe ways of working. Cultural mentors for non-indigenous staff increase the number of Aboriginal and Torres Strait Islander mental health professionals.*
- *More funding to address issues relating to young ACT Aboriginal and Torres Strait Islander community members.*

## PART 3: KEY THEMES

Throughout the consultation process 26 interviews were conducted either face to face or over the phone with individuals and groups. Information collected via these interviews highlighted key themes for Aboriginal and Torres Strait Islander community members. This information is indicative of the perceptions of the experiences of the participants, and particular attention has been focussed on these key themes as there were recurrent patterns across various groups in these areas.

### COMMUNITY, CONNECTEDNESS & KIN NETWORKS

Aboriginal people have lived in the Canberra region for at least 25,000 years. Historically, Canberra has been a meeting place for many Aboriginal groups. The Canberra region was used as a site for corroborees, ceremonies, marriages and trade activity between various groups, from various regions, and as such holds significance for many Aboriginal and Torres Strait Islander communities.

### AREAS FOR DEVELOPMENT

Throughout the interview process it was reported by many participants that maintaining cultural connectedness was very difficult for Aboriginal and Torres Strait Islander people in the ACT. Many services reported that families do not have a strong understanding of their cultural background, including which Aboriginal and Torres Strait Islander group they identify with. This was particularly an issue for families who have moved from other areas into this region, or who have had experiences of removal either as part of the Stolen Generations, or more recently into the Out of Home Care system.

Participants reported that there was also a lack of information around their history, language, traditional lands, and other culturally significant items and that they felt *at a loss to know where to look*. It was reported that this issue is intensified for young people with one participant stating:

*Young people have a loss of history and connections with their families. There are family fractures due to loss of history and young people don't understand what it means to be Aboriginal.*

Another participant reported:

*They [children and young people] are not taught to be strong, black, and proud. This will lead to a life of trying to find themselves.*

It was also reported by participants that there was a perceived lack of community for Aboriginal and Torres Strait Islander people in the ACT. Participants reported that there was not a Cultural Centre that they felt comfortable accessing, and that groups had not been established to bring the community together as a whole. Participants reported that community groups around sporting activities and cultural activities, including arts and dance, were lacking, and that these types of groups would help facilitate connection within the community, including, in particular, for children and young people.

Many participants reported that they, or members of their immediate family, experienced forced removal from their family unit by government intervention. Participants also reported that there is a lack of information for Aboriginal and Torres Strait Islander people about their extended kin network, and assistance is not given to people to maintain or re-establish these relationships. While the Australian Institute of Aboriginal and Torres Strait Islander Studies and Link-Up both offer



services to locate and map family networks, these services were not accessed as people reported that they felt unsupported in this process.

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### **ENCOURAGING EXPERIENCES FROM THE ACT**

Participants reported that they acknowledged the importance of unity amongst the Aboriginal and Torres Strait Islander communities of the ACT and felt that having a representative body was beneficial. The Aboriginal and Torres Strait Islander Elected Body is established under the *Aboriginal and Torres Strait Islander Elected Body Act 2008* to enable Aboriginal and Torres Strait Islanders in the ACT to have a strong democratically elected voice. Participants reported that there were both positive and negative outcomes of having this representation, and felt that this body could be utilised to develop strategies including funding decisions and project planning for key developments in the community. They also reported that this body, when fully supported, could be very beneficial in ensuring that the views of Aboriginal and Torres Strait Islander people are heard.

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### **SIMILAR INITIATIVES FROM COMMUNITIES AROUND AUSTRALIA**

The Torres Strait Islander Regional Authority and the Commonwealth Government have established a grant program that is seeking submissions for 2014-2015 focussed on developing Culture, Art and Heritage of the Bamaga and Seisia communities in Northern Queensland. This grant program aims to “protect, promote, revitalise and maintain Torres Strait Islander and Aboriginal traditions and cultural heritage” by assisting the community to engage in festivals, language projects, recording local stories and songs, and to develop traditional and contemporary art that depicts the Indigenous culture of the area<sup>1</sup>.

The Australian Research Institute for Environment and Sustainability (ARIES), Hornsby Shire Council, the Darug Custodian Aboriginal Corporation and the Guringai Tribal Link Aboriginal Corporation have developed a similar project called Our Place. This project was awarded funding through the Indigenous Heritage Program in 2012-2013 and aims to increase knowledge of traditional stories within the Hornsby area. The project showcases some of the Aboriginal and Torres Strait Islander stories associated with the area, as recorded by local trusted Aboriginal and Torres Strait Islander community leaders, and works to educate people in the area on Aboriginal and Torres Strait Islander culture.

These and similar projects aim to support unity within local Aboriginal and Torres Strait Islander communities, and strengthen cultural connectedness. They also raise awareness and promote resources for non Indigenous people as they provide a source of information and education. This is beneficial to the community as a whole as the participation of Aboriginal and Torres Strait Islander people in artistic and cultural activities helps to reinforce and preserve their living culture, and can also provide a source of employment for community members.

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### **EDUCATION & CHILDCARE**

Education continues to be a major area of concern for members of the Aboriginal and Torres Strait Islander communities around Australia. In 2011 the Commonwealth Steering Committee for the Review of Government Service Provision found that Aboriginal and Torres Strait Islander people were reported to have poorer outcomes in terms of literacy and numeracy, school attendance, school completion, and enrolment in tertiary education<sup>2</sup>. There are strong links between education

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<sup>1</sup> Commonwealth, Torres Strait Regional Authority, *Culture Art and Heritage Program*, (2014) <[http://www.tsra.gov.au/\\_\\_data/assets/pdf\\_file/0004/5953/cah\\_guidelines-2014-15.pdf](http://www.tsra.gov.au/__data/assets/pdf_file/0004/5953/cah_guidelines-2014-15.pdf)>

<sup>2</sup> Commonwealth, Steering Committee for the Review of Government Service Provision, *Overcoming Indigenous Disadvantage: Key Indicators 2011*, (2011) <[http://www.pc.gov.au/\\_\\_data/assets/pdf\\_file/0010/111610/key-indicators-2011-overview-booklet.pdf](http://www.pc.gov.au/__data/assets/pdf_file/0010/111610/key-indicators-2011-overview-booklet.pdf)>

and income and health, as educational attainment provides more options in terms of employment, and the ability to obtain additional qualifications. Educational attainment also has future benefits as children and young people are more likely to engage successfully in education when the adults in their lives have positive experiences of education and provide encouragement in this area.

The ACT government has made a targeted commitment to *halve the gap for Indigenous children and young people in reading, writing and numeracy* [by 2018] in its Closing the Gap Report 2013, and has also made a commitment to supporting Year 12 attainment rates for Indigenous people<sup>3</sup>. The ACT Closing the Gap Report 2013 states that the gap in reading, writing, and numeracy has improved since 2006, however, also reports that only 46% of Aboriginal and Torres Strait Islander people over 15 years of age in the ACT have completed Year 12 or equivalent, compared with 72% of the non-Indigenous population. This is in line with the information provided by participants.

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## AREAS FOR DEVELOPMENT

Throughout the interviews, participants frequently reinforced their focus on education, and the importance of investing in education services for children and young people. Mainstream schools play a significant role in educational attainment for children and young people, and their capacity to support and engage Aboriginal and Torres Strait Islander children and young people and their families, in a relational and flexible manner was reported as the major concern for participants.

All participants who raised this issue reported barriers that needed to be overcome in order to ensure better educational outcomes for children and young people, including:

- A lack of trust in formal education settings leading to families being unwilling to reach out to schools for support.
- Schools having a lack of resources in order to engage well with families and children and young people who identify as coming from an Aboriginal and Torres Strait Islander background.
- Education staff not having adequate training around the experiences of Aboriginal and Torres Strait Islander people, and also not having adequate Aboriginal Cultural Studies in the curriculum particular to the local area.
- Families also reported a lack of resources to assist children and young people in the school setting including financial resources around the cost of school supplies, uniforms and excursions, as well as other resources including computer and internet access, education tools and the skills to assist with homework. This was particularly the case for parents who themselves struggled with issues around literacy and numeracy.

Participants reported that children and young people who have complex needs and behavioural issues struggle in formal educational settings, and these children and young people are not regularly attending school, and leaving formal education early. It was reported by a number of participants that when students are struggling in the mainstream school environment there are not adequate services to assist these children and young people to develop the skills they need to succeed. This includes one-on-one support and additional tutoring/mentoring both inside the school setting as well as programs on offer by external services.

Participants reported that there are currently no alternative education programs provided by the ACT Education and Training Directorate for children and young people under 16 who cannot engage

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<sup>3</sup> ACT Government, ACT Closing the Gap Report 2013, Progress Outcome for Aboriginal and Torres Strait Islander Peoples, (2013) <[http://www.communityservices.act.gov.au/\\_\\_data/assets/pdf\\_file/0005/471614/ACT-Closing-the-Gap-Report.pdf](http://www.communityservices.act.gov.au/__data/assets/pdf_file/0005/471614/ACT-Closing-the-Gap-Report.pdf)>

in the formal education environment. The Galilee School currently offers an education program outside the mainstream setting, however it has limited placements due to resource restrictions and prioritises children and young people involved with Care and Protection Services.

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## **ENCOURAGING EXPERIENCES FROM THE ACT**

Early childhood education influences lifelong learning and behaviour, and is particularly important for children and young people from disadvantaged backgrounds as it provides an entry point to engaging support services and early intervention for many health and other issues. Participants spoke positively about services offered by the ACT Koori Pre-schools, including, in particular, services provided through Ngunnawal Primary, Richardson Primary, and Narrabundah Early Childhood School. Participants also spoke positively about the support offered by the Pre-school programs for 3 year olds on offer at Narrabundah Early Childhood School and the Kingsford Smith School. Additionally, while the Pre-School programs for 3 year olds are offered to all vulnerable families, not just those from Aboriginal and Torres Strait Islander background, it was apparent that these services are also accessed by many Aboriginal and Torres Strait Islander community.

Several participants reported that they and/or their children and young people engage in homework clubs that are offered to Aboriginal and Torres Strait Islander children and young people as an afterschool activity. The homework club on offer at Forrest Primary School, which encourages parents to attend with their children and young people, appears to have specific benefit as it builds positive relationships between families and the school, and assists parents and caregivers to build relationships with other parents and other service providers. This program has been established in partnership with Northside Community services. Canberra High School also offers a homework club for Aboriginal and Torres Strait Islander students and participants reported that this was very supportive and beneficial for students. It was reported that the Canberra High School homework club is currently run by teaching staff from their Indigenous Team, and that staff are not supported in terms of release time or payment for engaging in this manner.

Participants reported that some schools in Canberra have built very supportive relationships with Aboriginal and Torres Strait Islander students and families. This has been done with support from Aboriginal and Torres Strait Islander Liaison Officers or Indigenous Education Officers (ATSILOs). Families and support services reported that these positions are important for the wellbeing of children and young people and their families in formal education settings as they promote the importance of building supportive relationships, and assist to develop the cultural identity of children and young people. ATSILOs also assist schools to engage in a more culturally sensitive manner, and participants reported that schools who do not have ATSILOs feel unable to support Aboriginal and Torres Strait Islander children and young people. There is also a perception that schools without ATSILOs are unapproachable, or unwilling to support Aboriginal and Torres Strait Islander families. Services also reported that it was very evident when schools did not have this type of role on their staff team. One service provider reported:

*When kids are in trouble at school, or not coping, and they come to us, you can bet that the school doesn't have an Aboriginal worker.*

Participants also reported that ATSILOs are under resourced, and will engage in additional activities outside their role at the school to support students and families. This adds a further burden to staff who are working in these types of roles. It was also reported that ATSILO positions are poorly paid compared with other educational staff, and that this makes it very difficult to recruit and retain qualified staff in these positions.

Gugan Gulwan currently offers a mentoring/tutoring program for children and young people who are struggling in the mainstream environment. Many families reported that they were accessing this service and that the one on one support offered to the children and young people was very beneficial. Participants also reported that this program was very good at developing cultural identity as the children and young people engaged positively with Aboriginal and Torres Strait Islander workers and supports. It was reported that this program was time limited and that children and young people could only access the tutoring option for a period of 10 weekly sessions. Participants reported that there would be specific benefit in increasing the number of sessions available for students particularly for those who face significant problems with literacy and numeracy.

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### **SIMILAR INITIATIVES FROM COMMUNITIES AROUND AUSTRALIA**

Walhallow Public School is located in North East NSW and is one of three schools in the state that has a 100% Aboriginal and Torres Strait Islander student population<sup>4</sup>. This school has taken on specific initiatives to meet the needs of its students most notably the development of an individualised learning plan for each student who attends the school, as well as individualised literacy support program for each student. These initiatives have led to improved literacy and numeracy results during NAPLAN testing.

The Swinburne Indigenous Youth Re-Engagement Program has been established in partnership between Swinburne University and the Bert Williams Aboriginal Youth Service (BWAYs). This program aims to re-engage at-risk Indigenous young people into vocational education and training. In 2009 this program had 13 participants of which 12 successfully continued into further study or employment. In 2010, this program was extended and engaged a further 16 young people. This program focuses on a holistic approach, including transport, youth services, education and mentoring, and provides a culturally inclusive pathway to further education and employment. The success of this program has led to numerous awards and acknowledgements including the Swinburne University's Vice-Chancellor's Teaching Award in 2009<sup>5</sup>.

### **MENTAL HEALTH**

Mental health is an important facet of wellbeing and is overlooked particularly for children and young people. For Aboriginal and Torres Strait Islander people mental health can be affected by a range of influences including: broad cultural and historic issues including dispossession, removal from family, land and culture, trauma and discrimination.

The most recent information from the Australian Bureau of Statistics shows that in 2008-2009 members of the Aboriginal and Torres Strait Islander community were hospitalised for mental and behavioural disorders at around 1.7 times the rate for non-Indigenous people, a figure that had remained at this level for the five previous years despite efforts to support the mental health needs of this group<sup>6</sup>.

Suicide and self harm continue to be issues for young people and children and young people across Australia, particularly those from Aboriginal and Torres Strait Islander backgrounds. Suicide death rates continue to be much higher for Aboriginal and Torres Strait Islander people, almost 2.5 times

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<sup>4</sup> NSW Government, Education & Communities, Our School

<<http://www.walhallow-p.schools.nsw.edu.au/home>>

<sup>5</sup> Swinburne University, Swinburne Indigenous Youth Re-Engagement Program, (2009)

<[http://www.nveac.natese.gov.au/\\_\\_data/assets/rtf\\_file/0003/56298/VIC\\_Swinburne\\_Indig\\_Youth\\_Re-Engagement\\_Prog.rtf](http://www.nveac.natese.gov.au/__data/assets/rtf_file/0003/56298/VIC_Swinburne_Indig_Youth_Re-Engagement_Prog.rtf)>

<sup>6</sup> Commonwealth, Steering Committee for the Review of Government Service Provision, *Overcoming Indigenous Disadvantage: Key Indicators 2011*, (2011)

<[http://www.pc.gov.au/\\_\\_data/assets/pdf\\_file/0010/111610/key-indicators-2011-overview-booklet.pdf](http://www.pc.gov.au/__data/assets/pdf_file/0010/111610/key-indicators-2011-overview-booklet.pdf)>

the rate of non-indigenous suicide for the 2005-2009 period<sup>7</sup>. The Australian Bureau of Statistics reports a Years of Life Lost calculation which is an indicator of premature mortality derived by multiplying the number of deaths by the standard life expectancy (in years) for that demographic. It estimates that mental disorders and intentional injuries are the second biggest cause of years of life lost for Indigenous people, with almost 15% of the total number attributed to these groups in 2003<sup>8</sup>.

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## AREAS FOR DEVELOPMENT

Participants reported ongoing issues around accessing support services for children and young people who have mental health concerns. They reported that the Child and Adolescent Mental Health Service (CAMHS) was not able to support them as the children and young people or young people did not meet the criteria for referral, and that the Trauma Recovery Centre has been established to only take referrals from Care and Protection Services which left these children and young people with no service available to support them. Participants reported that accessing private practitioners was not financially viable. Several participants also reported that after gaining access to CAMHS the practitioners were not always supportive or understanding of the issues particular to the Aboriginal and Torres Strait Islander community, and that they felt *culturally unsafe* and unsupported in this environment.

Participants also reported that there appears to be a lack of qualified mental health practitioners in the field and that this is more apparent in terms of qualified Indigenous mental health practitioners. Participants reported that they would be more likely to access support services in the mental health area if they were facilitated by Aboriginal or Torres Strait Islander workers, and that having groups available for those affected by mental health issues, or supporting people with mental health issues in their family would be very valuable.

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## ENCOURAGING EXPERIENCES FROM THE ACT

Most participants reported a positive connection to the Winnunga Nimmityjah Aboriginal Health Service, and reported they would feel confident accessing their Social and Emotional Wellbeing staff. Participants reported that at times this service appears to be under resourced and that this may diminish their capacity to assist children and young people in need. It was reported that Winnunga services a client group that has a significant number of different needs that may include co-morbidity issues such as mental health, general health, drug and alcohol use, social isolation and criminal justice. Participants reported that this service engages all clients regardless of their circumstances, with one participant stating:

*They [Winnunga] see the people that no one else wants to see. They are not 5 or 10 minute consults these people have really high need...complex needs across-the-board.*

Most participants also reported a positive relationship with the Yuruana Centre at the Canberra Institute of Technology, however some were not aware of the services that this organisation can offer to support young people. The Yuruana Centre offers an Access 10 program that focuses on building literacy and numeracy skills, as well as Arts Programs and Certificate IV in Community Welfare. The Yuruana Centre staff team reported that they facilitate an Aboriginal Mental Health First Aid course and that this course is well attended and beneficial to promoting the needs of Aboriginal and Torres Strait Islander people in terms of mental health. Further work to promote this centre and the valuable resource it has to offer would be beneficial to the community.

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<sup>7</sup> Ibid

<sup>8</sup> Australian Bureau of Statistics, 4704.0 - *The Health and Welfare of Australia's Aboriginal and Torres Strait Islander Peoples*, 2008 (2010)  
<<http://www.abs.gov.au/AUSSTATS/abs@.nsf/39433889d406eeb9ca2570610019e9a5/F81CAE88BF0BD19ACA2574390014C4CE?opendocument>>

The United Ngunnawal Elders Council has promoted the concept of a drug and alcohol residential rehabilitation facility for ACT people since 2002. The ACT and Commonwealth Government have committed funding to this project in the past and have undertaken consultation and assessment on suitable sites. A plan was developed to establish the Ngunnawal Bush Healing Farm near Tharwa which is founded on reconnecting Aboriginal and Torres Strait Islander people to land and culture to assist residents to respond to challenges they might experience<sup>9</sup>. It was anticipated that this facility would allow Aboriginal and Torres Strait Islander people in the ACT better access to mental health as there is a co-morbidity between mental health and alcohol and drug misuse.

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### **SIMILAR INITIATIVES FROM COMMUNITIES ACROSS AUSTRALIA**

The Aboriginal and Torres Strait Islander Community Health Service in Brisbane has developed a Healing Centre which provides counselling services for Aboriginal and Torres Strait Islander community members as well as referral and liaison services. The program also engages in community education around issues associated with mental health and does group work, family and individual counselling services in a *spiritually and culturally connected way*<sup>10</sup>. The aim of this program is to empower community members to be empowered and involved in their own service delivery, and improve access to culturally appropriate and high quality mental health services.

### **CULTURAL AWARENESS & TRAINING**

Cultural awareness training encourages diversity, respect and understanding of others, and promotes the lived experiences, needs, and history of the Aboriginal and Torres Strait Islander community. Cultural Awareness Training can raise awareness of Aboriginal and Torres Strait Islander culture, contemporary circumstances, and local needs, leading to better outcomes for the Aboriginal and Torres Strait Islander community. Cultural Awareness Training provides benefits for Aboriginal and Torres Strait Islander community members as well as non-Indigenous people and promotes an awareness of cultural difference, and an appreciation of how these differences affect people's lives<sup>11</sup>. The ACT Closing the Gap Report: 2012 recognises the importance of Cultural Awareness Training and has outlined a commitment to action in implementing a Cultural Awareness and Skills Development Program in the Health Directorate.

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### **AREAS FOR DEVELOPMENT**

Participants commonly reported that their experiences with staff from both Government and non-Government services varied depending on the staff member's ability to build trusting relationships. This was particularly highlighted in terms of education services and school staff, and staff from Care and Protection Services. Participants reported that some staff members they had interacted with were very competent in this area, however, other workers, particularly those recruited from overseas, sometimes showed a lack of understanding. Some families reported that workers from overseas had made comments such as:

*Stolen Generation...what's that?  
If the department wanted me to know about Aboriginal people, and the history, they  
would've trained me on it.*

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<sup>9</sup> ACT Government, Health Infrastructure Program, *Ngunnawal Bush Healing Farm – Factsheet* <[http://timetotalk.act.gov.au/storage/NBHF%20Plans%20-%20Factsheet%20\(FINAL\)%20-%20Web.pdf](http://timetotalk.act.gov.au/storage/NBHF%20Plans%20-%20Factsheet%20(FINAL)%20-%20Web.pdf)>

<sup>10</sup> Aboriginal & Torres Strait Islander Community Health Service Brisbane Limited, *The Healing Centre*, <<http://www.atsichbrisbane.org.au/healing-centre/>>

<sup>11</sup> Barbara & Geoff Westwood, Aboriginal cultural awareness training: policy v. accountability - failure in reality, (2010) 34(4) *Australian Health Review*

Cultural Awareness Training may alleviate any problems which do exist, however it is important to note that Cultural Awareness Training should be viewed as one part of an effort to raise awareness and build skills to work towards more culturally sensitive practice.

Given the importance of this type of training it is important to ensure that training is offered in an appropriate manner and provides the greatest opportunity to effect the interactions between attendees and members of the Aboriginal and Torres Strait Islander community. Participants reported that they believed it is important that the training offered is developed and supported by local members of the Aboriginal and Torres Strait Islander community, and includes information relating to the cultural identity, history and experiences of the Aboriginal and Torres Strait Islander groupings of the local and surrounding regions

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### **ENCOURAGING EXPERIENCES FROM THE ACT**

Many participants reported that they had completed Cultural Awareness Training and several services were nominated as providing exceptional training in this area, particularly in relation to trans-generational trauma and how this currently affects the Aboriginal and Torres Strait Islander community. The Yuruana Centre at the Canberra Institute of Technology has developed a face-to-face skills development program for health services staff which, in conjunction with an orientation presentation, and eLearning component, aims to assist clinical and support staff to better meet the medical needs of Aboriginal and Torres Strait Islander clients.

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### **SIMILAR INITIATIVES FROM COMMUNITIES ACROSS AUSTRALIA**

In 2009, Rio Tinto was Australia's largest employer of Indigenous Australian's outside the public sector<sup>12</sup>. In 2005, Rio Tinto developed an Indigenous Employment Strategy Team which focussed on recruiting Aboriginal and Torres Strait Islander staff and aimed to improve workplace understanding of Aboriginal Culture and practices, and ensure employees had access to mentor support. These strategies saw a major increase in the number of employees recruited and retained in the organisation and the company targeted to have 20% indigenous employment by 2015. Including Aboriginal and Torres Strait Islander people in their workforce and in planning and strategy around training has proved exceptionally beneficial for this organisation and the regional community.

Reconciliation Australia has established a training component of their website which provides background information on Aboriginal and Torres Strait Islander culture. This interactive learning guide focuses on First Australians, Our Culture, Our Shared History, Beyond the Myths, and Respectful Relationships<sup>13</sup>. The website provides valuable information for anyone who wants to develop a greater understanding of the experiences of Aboriginal and Torres Strait Islander people and is an easy to understand and accessible way of developing skills in this area.

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### **COMMUNITY PARTICIPATION & CULTURALLY APPROPRIATE FUNDING MODELS**

The ACT Government budget 2014-2015 has made a commitment to three new initiatives to support the Aboriginal and Torres Strait Islander community in the ACT<sup>14</sup>. These three initiatives aim to affect legal services, homelessness for older people, and research into serious crime and imprisonment. It is unclear how these initiatives will be planned, developed, and evaluated, and

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<sup>12</sup> Rio Tinto, AMPLA State Conference, Rio Tinto's Indigenous Employment Strategy- Making a Difference, (2009)  
<[http://www.mwdc.wa.gov.au/assets/documents/document%20centre/sandy%20mcewan\\_riotintoies\\_final.pdf](http://www.mwdc.wa.gov.au/assets/documents/document%20centre/sandy%20mcewan_riotintoies_final.pdf)>

<sup>13</sup> Reconciliation Australia, *Share Our Pride*,  
<<http://shareourpride.reconciliation.org.au/sections/first-australians/>>

<sup>14</sup> ACT Government, 2014-15 Budget Paper No. 3, (2014) *Chapter 3 – New Initiatives*  
<[http://apps.treasury.act.gov.au/\\_\\_data/assets/pdf\\_file/0013/601150/New-Initiatives.pdf](http://apps.treasury.act.gov.au/__data/assets/pdf_file/0013/601150/New-Initiatives.pdf)>

whether the Aboriginal and Torres Strait Islander community will be included in these phases of the new initiatives.

Participation in the planning, development and evaluation of services or programs is crucial to their success, particularly given the relational nature of the Aboriginal and Torres Strait Islander community in the ACT. Participation can range from consultation at a basic planning level through to full community control, and funding bodies need to ensure that they have considered the implications of the type of participation undertaken throughout the funding process.

Aboriginal and Torres Strait Islander people's right to self-determination should underpin all decisions made around funding and program development, as acknowledged by the Australian Government's National Health and Medical Research Council statement that "*community participation is an ethical and democratic right*"<sup>15</sup>.

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## AREAS FOR DEVELOPMENT

Participants reported that they feel disempowered in relation to the development, funding, and evaluation of services in the ACT with one participant stating:

*Aboriginal people are not encouraged to participate in the design of funding arrangements, legislation, or service plans, and as such do not buy into the services or programs that are developed.*

Participants reported that they felt unable to develop creative solutions to community wide issues, and that they struggled to deal with government controlled, or government led services. Participants also reported that they felt judged and that there was a lack of understanding in relation to the differences within the Aboriginal and Torres Strait Islander communities within the ACT. They reported that they felt these differences were sometimes viewed by decision makers as reasons for a lack of participation and engagement with the community. One participant reported:

*Non Indigenous people are not expected to all have the same background, culture, ideas and ways of thinking. Why do we expect Aboriginal people to all be the same, think the same, and act the same?*

Participants also reported that they felt that government decision makers did not acknowledge the people who are affected by the decisions that they make, and that government decision makers did not hold all knowledge on many situations as *people on the ground hold knowledge as well*.

Participants who were involved in the provision of services to the Aboriginal and Torres Strait Islander community also reported that they felt that current funding models were not flexible enough to the needs of the community, and that evaluation methods did not take into account the time taken to build trust and respect with the community, meaning that funding was removed from services prematurely.

It was also reported by participants that they felt there would be benefits in exploring the possibility of the ACT Aboriginal and Torres Strait Islander Cultural Centre at Yarramundi Reach being returned to the control of the community. Participants reported they felt that the community were currently not accessing this centre as they did not feel connected to this place, and that this may change if the community controlled this site.

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<sup>15</sup> Commonwealth of Australia, National Health and Medical Research Council (NHMRC) (2002) Summary Statement on Consumer and Community Participation in Health and Medical Research, <<http://www.nhmrc.gov.au/publications/synopses/r22syn.htm>>.



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## ENCOURAGING EXPERIENCES FROM THE ACT

The ACT Magistrates Court has had an established Circle Sentencing process since 2004. This is currently known as the *Galambany Court*. Galambany means *we all, including you*, which recognises the various origins of people of Aboriginal and Torres Strait Islander descent living in the ACT<sup>16</sup>. This process involves a panel of elders from the Aboriginal and Torres Strait Islander community contributing to the sentencing process, and providing cultural insight into the experiences of offenders. These panel members can also explore with the defendant methods of avoiding future criminal behaviour.

Galambany Court aims to involve the Aboriginal and Torres Strait Islander community in the sentencing of Aboriginal and Torres Strait Islander defendants, provide culturally relevant and effective sentencing options for Aboriginal and Torres Strait Islander defendants, and provide support services to Aboriginal and Torres Strait Islander defendants. It is hoped that increasing the level of community participation will reduce barriers for Aboriginal and Torres Strait Islander people, increase community confidence in the sentencing process, and reduce reoffending<sup>17</sup>.

Forrest Primary School has begun exploring options of establishing a Parents and Citizens Council specifically for Aboriginal and Torres Strait Islander families engaging in this school setting. It is anticipated that this Council would be able to advocate for the rights of Aboriginal and Torres Strait Islander children and young people at the school, and increase the participation of families in school planning and activities. The Forrest Primary School has also developed a homework club for Aboriginal and Torres Strait Islander children and young people at the school. It was reported by the parents who attend this club that this program was developed at their request, as it was anticipated that this level of support would be very beneficial for both students and their families to build ties to the school.

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## SIMILAR INITIATIVES FROM COMMUNITIES ACROSS AUSTRALIA

The National Aboriginal Community Controlled Health Organisation (NACCHO) is working to promote research into the diagnosis and management of blood borne and sexually transmitted diseases across its 120 medical centres throughout Australia. This project has been named the Research Excellence in Aboriginal Community-Controlled Health (REACCH) collaboration. NACCHO lists the first two essential principles of research as addressing a priority health issue as determined by the community, and conducting research within a mutually respectful partnership framework<sup>18</sup>. Both of these principles show this organisation gives clear priority to project research and implementation that focuses on participation for the Aboriginal and Torres Strait Islander community at all levels.

The Illawarra Koori Men's Support Group is a non-profit Aboriginal and Torres Strait Islander community organisation which was developed by Aboriginal and Torres Strait Islander men living in the Illawarra area. This group is supported by the local Aboriginal and Torres Strait Islander community, and community elders are involved in the design, management and operation of the club<sup>19</sup>. Programs are developed around key areas of concern in the community and the group aims to "provide Illawarra Aboriginal and Torres Strait Islander men and male youths with high quality, culturally appropriate, efficient and effective educational programs".

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<sup>16</sup> ACT Magistrates Court, *Galambany Court*, (2011) <[http://www.courts.act.gov.au/magistrates/courts/galambany\\_court](http://www.courts.act.gov.au/magistrates/courts/galambany_court)>

<sup>17</sup> Magistrates Court of the ACT, Practice Direction, *Galambany Court* (2012) <[http://cdn.justice.act.gov.au/resources/uploads/Magistrates/Practice\\_Direction\\_1\\_of\\_2012\\_Galambany\\_Court.pdf](http://cdn.justice.act.gov.au/resources/uploads/Magistrates/Practice_Direction_1_of_2012_Galambany_Court.pdf)>

<sup>18</sup> NACCHO, Aboriginal Health News Alert, Research Excellence in Aboriginal and Community Controlled Health, (2014) <<http://nacchocommunique.com/category/research-excellence-in-aboriginal-community-controlled-health-reacch/>>

<sup>19</sup> Illawarra Koori Men's Support Group Inc, *Overview* <<http://www.shellharbour.nsw.gov.au/filedata/pdf/AtsiFlyerIllawarraKooriMensSupportGroup.pdf>>

## CARE & PROTECTION

Care and Protection Services (CPS) is the statutory child protection agency that services the ACT region. CPS is situated within the Office for Children Youth and Family Support, within the ACT Community Services Directorate.

CPS is responsible for facilitating coordination across government for the care and protection of children and young people believed to be at risk of harm. Key tasks involve assessing risk and working with families and other professionals to resolve issues that compromise child safety and wellbeing<sup>20</sup>.

In some circumstances children and young people are unable to remain with their parents and kinship networks safely, and CPS will take steps to ensure that these children and young people are cared for appropriately, including through placement in foster care, residential care, or with other kin members. As of June 2014, approximately one-quarter of children and young people in care in the ACT identify as Aboriginal and Torres Strait Islander. This equates to 140 children and young people<sup>21</sup>, and represents a major overrepresentation of Aboriginal and Torres Strait Islander children and young people.

CPS has developed an Aboriginal and Torres Strait Islander Children and young people Principle that guides their interactions with the community. This principle states that:

- *Children and young people need to maintain a connection with the lifestyle, culture and traditions of their Aboriginal or Torres Strait Islander community.*
- *Submissions from any Aboriginal or Torres Strait Islander people or organisations identified by the director-general as providing ongoing support services to the child or young person or their family need to be considered.*
- *Aboriginal and Torres Strait Islander traditions and cultural values (including kinship rules) as identified by the child's or young person's family, kinship relationships, and the community should also be considered.*<sup>22</sup>

The Secretariat of National Aboriginal and Islander Child Care outlines a Child Placement Principle for Aboriginal and Torres Strait Islander children and young people placed in OOH that states that priority should be given to:

- *Placing these children and young people with Aboriginal and Torres Strait Islander family, community, or other Aboriginal and Torres Strait Islander families, where such placement is safe for the child.*
- *Consultation with Aboriginal and Torres Strait Islander families, communities and organisations about child protection intervention, and child placement and care.*
- *Ensuring that Aboriginal and Torres Strait Islander children and young people in out-of-home care are supported to maintain connection to their family, community and culture, especially children and young people placed with non-Indigenous carers.*<sup>23</sup>

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<sup>20</sup> ACT Government, Community Services, *Care and Protection Services*, (2014)  
<[http://www.communityservices.act.gov.au/ocys/services/care\\_and\\_protection](http://www.communityservices.act.gov.au/ocys/services/care_and_protection)>

<sup>21</sup> ACT Government, Community Services, *What would the proposed Out of Home Care Strategy 2015-20 mean for Aboriginal and Torres Strait Islander People?* (2014)  
<[http://www.communityservices.act.gov.au/\\_\\_data/assets/pdf\\_file/0011/593165/Consultation-Information-Sheets-ATSI.pdf](http://www.communityservices.act.gov.au/__data/assets/pdf_file/0011/593165/Consultation-Information-Sheets-ATSI.pdf)>

<sup>22</sup> ACT Government, Community Services, *Keeping Children and young people safe: A Shared Community Responsibility*, (2012)  
<[http://www.communityservices.act.gov.au/\\_\\_data/assets/pdf\\_file/0017/5660/Keeping\\_Children\\_and\\_young\\_people\\_Young\\_People\\_Safe\\_November2012.pdf](http://www.communityservices.act.gov.au/__data/assets/pdf_file/0017/5660/Keeping_Children_and_young_people_Young_People_Safe_November2012.pdf)>

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## AREAS FOR DEVELOPMENT

Participants reported ongoing issues with navigating the care and protection system and with their interactions with CPS. Participants generally acknowledged that some children and young people needed to be removed from the care of their parents or kin for their own wellbeing. However, participants overwhelmingly reported that the methods used to remove these children and young people, and the information provided to their parents was inadequate and unacceptable. Participants reported that they regularly were not given information about what they needed to achieve in order to have children and young people returned to their care, and that on many occasions the goals set would be changed over time, making their experiences increasingly difficult. One participant reported that their interaction with CPS was *heartbreaking*, and went on to say:

*I've done everything they have asked and they still have not given my kids back. I give up.*

Of particular concern, participants from key support services reported that they were unable to obtain information from CPS for their clients, even with their client's consent, limiting their capacity to assist families and children and young people engaged with CPS. These key support services also reported that they were not invited to Case Conference meetings and felt that they were not treated in a professional manner by staff from CPS.

Participants also reported that children and young people who reside in OOHC in the ACT are not supported by CPS to develop their cultural identity. While Cultural Care Plans are developed for each child or young person to outline strategies to meet their cultural needs, participants reported that they are inadequate or not thoroughly completed. One participant reported:

*Cultural care plans are ridiculous. Someone needs to get down and dirty with the family and get their information through talking to people.*

Several participants reported that Cultural Care plans were tokenistic, and not specific to client's needs or identity and that:

*Cultural care plans are either non-existent or they are Wikipedia cut outs. They do not include enough information.*

It was also reported that Cultural Care Plans are also not included on the agenda for Case Conference meetings.

Participants also reported that non-Indigenous foster carers struggle to meet the cultural needs of Aboriginal and Torres Strait Islander children and young people that they are caring for. It was reported that foster carers are openly dissuaded from engaging with the family members of the children and young people they are caring for, and that not having this link can create difficulties for the carer, the family and the child. This led to families not seeing their children and young people at key times such as Christmas, Easter and birthdays etc. Participants generally reported that the Aboriginal and Torres Strait Islander Unit at CPS was important in terms of making these links to the community, and providing support to these carers, and that since this unit was disbanded they have not had any support in this area.

Participants also reported that there is a general distrust from Aboriginal and Torres Strait Islander families towards CPS. It was reported that families will not obtain support in some areas as they fear

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<sup>23</sup> SNAICC, Child Protection: Keeping Children and young people Safe, *Aboriginal and Torres Strait Islander Child Placement Principal*, (2011) <<http://www.snaicc.org.au/policy-advocacy/dsp-landing-policyarea.cfm?loadref=36&txnid=12&txncsttype=post&txncsttype=>>

the removal of their children and young people, and that when CPS refers families to support programs this makes the family reticent to attend, even if the support is positive. Participants reported that it is very difficult to build trust with CPS workers as the workers change often, and there appears to be no continuity between workers and their methods of engaging or the decision making process.

Participants also reported that CPS sets goals for families that are unattainable such as attending contact visits with their children and young people at long distances from the family home when there is no public transport available.

When a child is removed from the care of their parents or family members CPS may attempt to work with the family to return the children and young people to their care. This process is called restoration. Participants reported that there was little consultation around restoration planning, and that even when children and young people or young people were successfully restored to the care of their parents or family, there was little support offered or a thorough proposal or strategy put in place to assist the family. Participants also reported that there was no continuity in terms of restoration processes and that individual planning relied greatly on the views of the CPS caseworker. Participants also reported that they felt unable to influence decisions made in terms of restoration and that there appears to be no process to review decisions made by CPS.

Participants also reported that they felt CPS offered very limited support in terms of assisting families to care for children and young people. It was reported that as kinship carers Aboriginal and Torres Strait Islander families felt unable to gain any support from CPS and that they felt they were penalised if they asked CPS for support. It was also reported that kinship networks are not explored in a timely manner, leading to Aboriginal and Torres Strait Islander children and young people entering foster care, and remaining in these foster care placements for significant periods of time. Participants reported that, in some circumstances, this leads to children and young people remaining in foster care indefinitely, due to the attachments they have formed in these placements, regardless of the fact that there are acceptable kinship placements available for them.

Participants also reported that they felt CPS focussed on removal of children and young people during crisis periods, as opposed to supporting families prior to them reaching a crisis point. This was reported for both kinship carers, as well as parents who are caring for their children and young people. Participants reported that CPS would utilise Voluntary Care Agreements (VCA's) as a method of removing children and young people, and not explain the implications of these type of arrangements. A service provider reported that:

*CPS don't tell parents to get legal advice...staff here have previously advised parents to get legal advice, and CPS have told them that this was unhelpful with a team leader calling this 'disruptive to the process'.*

Of particular concern were reports that there are a significant number of families who *drift* through several VCA's to Care and Protection Orders, and participants reported that they felt there was *limited oversight or management* for families in this situation.

A foster parent reported she was not initially aware when recruited as a permanent carer, that birth parents can contest custody of their children and young people on an annual basis until they turn 18. This information was not provided to her and her husband by CPS, and it was a huge shock to them when they discovered this. She suggested that this information be made available on the website so that there are no surprises for foster parents.

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## ENCOURAGING EXPERIENCES FROM THE ACT

Participants reported that they had previous experiences of Case Conferences working well for Aboriginal and Torres Strait Islander families, particularly when opportunities are provided for families and services to come together to develop a plan for the wellbeing of these children and young people. Participants reported that declared Care Teams that came from Case Conferences allowed information to be shared more freely, and kept all parties accountable for the decisions made and for the actions that were agreed to be undertaken. Participants reported that these meetings can be used to avoid crisis situations and poor decision making, and provides an opportunity for families to obtain information to make informed decisions.

One participant reported that their family had worked very well with CPS and that they felt supported by CPS in their interactions with the organisation. This participant reported that they were able to build a supportive relationship with the CPS worker and put in place strategies to address the issues that they were experiencing at that time. They reported that their caseworker had been very good at building rapport with the family, and working with the family to develop goals in terms of the restoration plan. They reported that the caseworker had also referred the family to other agencies for support, and that they continued to engage with these support services after CPS had *closed their case*.

It was reported by participants that some foster care Agencies have developed a Cultural Care Panel, and that this panel brings together a group of people to develop strategies to ensure that the cultural needs of children and young people involved in their agency are met. The Out of Home Care Strategy 2015-2020 developed by the Community Services Directorate has proposed a similar initiative where a panel of Aboriginal and Torres Strait Islander cultural advisors will be established to provide Care and Protection Services with independent advice when key decisions are being made for Aboriginal and Torres Strait Islander children and young people, and to assist with the development of cultural care plans.

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## SIMILAR INITIATIVES FROM COMMUNITIES ACROSS AUSTRALIA

The Victorian Government's Department of Human Services (CPS equivalent) has established a partnership with the Children and young people's Protection Society and nine family service agencies in north east Melbourne to establish the Child Family Information Referral Support Team (FIRST) North East<sup>24</sup>. The FIRST Program provides a central referral point into family service programs where there are concerns about a child's wellbeing. Referrals can come directly from families or other professionals and may include concerns around parenting, family conflict, physical or mental health issues, substance misuse and social isolation.

The Australian Childhood Foundation has developed the Bringing Up Great Kids Parenting Program that aims to assist parents and caregivers to reflect on their interactions and communication strategies with children and young people, and encourage children and young people's positive self esteem<sup>25</sup>. By enhancing parents and caregivers capacity to understand the experiences of their children and young people they are supported to understand their own behaviour and challenge actions that may be detrimental to the wellbeing of their children and young people. This program has been adapted by many support services across Australia to assist families involved with the child protection system.

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<sup>24</sup> Children and young people's Protection Society, Child First, *Helping to Build Stronger Families*, (2014) <<http://www.cps.org.au/Our-Services/ChildFirst.aspx>>

<sup>25</sup> Australian Childhood Foundation, Mums Dads and Carers, *Bringing Up Great Kids* (2009) <<http://www.childhood.org.au/our-work/mums-and-dads>>

## HEALTH

The Commonwealth Government outlines key issues around health for the Aboriginal and Torres Strait Islander community in its Closing the Gap Prime Minister's Report 2014. The ACT currently does not have available data in response to some health measures including life expectancy, mortality rates, and child mortality causes.

The ACT government's response to the Closing the Gap Report 2013 outlines three progress indicators that focus on birth weight, tobacco smoking during pregnancy, and antenatal care<sup>26</sup>. The ACT had significantly worse results than the national average for both the tobacco smoking during pregnancy, and low birth weight indicators.

The National Aboriginal Community Controlled Health Organisation (NACCHO) has a primary role in terms of the health of Aboriginal and Torres Strait Islander people. NACCHO has 120 medical centres throughout Australia, one of which is the Winnunga Nimmityjah Aboriginal Health Service (Winnunga) in the ACT. NACCHO has been important in working towards the targets listed in the Commonwealth Government's Closing the Gap Report and maintains

*Aboriginal Community Controlled Health Services have been responsible for three quarters of the health gains made against the Close the Gap targets.<sup>27</sup>*

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### AREAS FOR DEVELOPMENT

Participants reported that health services in the ACT can be difficult to engage with for Aboriginal and Torres Strait Islander families, and said that they were sometimes concerned about accessing hospital services, given the institutional nature of these facilities. Participants also reported that some mainstream services, such as General Practitioners, did not understand the unique experiences of Aboriginal and Torres Strait Islander people.

Participants also reported that engaging with some allied health services such as Therapy ACT were difficult and that assessments were made on children and young people and their development that did not take into account cultural differences or the particular needs of the child. Participants also reported that there were long waiting lists to access Therapy ACT and that they did not have the financial resources to access private practitioners for support.

While Winnunga received overall positive feedback from participants some participants reported that they felt it was difficult to access Winnunga for those that reside in the Belconnen or Gunghalin areas. Participants reported that accessing these services was difficult, particularly if they, or the children and young people they care for were unwell at the time, and that further work to establish another site would be beneficial. Participants reported that outreach services may be beneficial and could be established in partnership with other services such as the Child and Family Centres.

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### ENCOURAGING EXPERIENCES FROM THE ACT

Winnunga received continual positive feedback from participants who engaged in the consultation. Participants reported that Winnunga was a *cultural centre* and that it offered flexible service and particular support to the community. Participants reported that Winnunga would meet their cultural and emotional needs and offered financial support in a flexible manner when required.

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<sup>26</sup> ACT Government, ACT Closing the Gap Report 2013, Progress Outcome for Aboriginal and Torres Strait Islander Peoples, (2013)

<[http://www.communityservices.act.gov.au/\\_\\_data/assets/pdf\\_file/0005/471614/ACT-Closing-the-Gap-Report.pdf](http://www.communityservices.act.gov.au/__data/assets/pdf_file/0005/471614/ACT-Closing-the-Gap-Report.pdf)>

<sup>27</sup> NACCHO, *Healthy Futures Plan 2013-2030*, (2012) <<http://www.naccho.org.au/aboriginal-health/naccho-healthy-futures-plan-2013-2030/>>

Concerns were raised by some participants in terms of the effects of the recent Federal Budget on the services offered by Winnunga with one participant stating:

*I just ain't gonna go if I've gotta pay \$7.*

Other participants reported that the services offered by Winnunga were “*amazing*” and several participants reported that they felt that Winnunga was under-resourced in terms of the number of people that are supported by the centre, and the premises that they currently utilise.

Winnunga has established a smoking cessation program, opiate program, and midwifery access program with support of the ACT Government. Each of these programs offers support to Aboriginal and Torres Strait Islander families.

The Bimberi Youth Justice Centre also assists young Aboriginal and Torres Strait Islander detainees to access Winnunga health services and facilitates the Winnunga Social and Emotional Wellbeing team who provide an outreach service at Bimberi.

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### **SIMILAR INITIATIVES FROM COMMUNITIES ACROSS AUSTRALIA**

The Mallee District Aboriginal Services has developed the Bumps to Babes and Beyond program which focuses on attachment between mothers and their children and young people from pregnancy to 18 months of age<sup>28</sup>. This program is an intensive, holistic, family centred approach to case management and has seen positive results in terms of healthcare for these women and children and young people, with 90% of women involved in the program carrying their babies to full-term and engaging in ante-natal services. Participants in this program have also recorded an increased attendance at key Maternal and Child Health Services and increased breastfeeding and immunisation rates for the children and young people involved.

Aboriginal Mothers and Daughters Gathering is a program that was developed through the Central West Women's Health Centre in NSW. The program covers topics related to puberty, basic sex education, staying safe and having fun in a group setting<sup>29</sup>. It is aimed for girls aged 11-13 to attend with their mothers. The program also aims to open up communication between mothers and daughters, and allow Aboriginal and Torres Strait Islander women to teach their daughters about ‘women’s business’ in accordance with their culture. A written and electronic resource has been developed to use at other locations with similar principles to increase awareness of sexual health and education for young females.

### **DISABILITY**

The concept of disability is a western one. Many Aboriginal and Torres Strait Islander people do not recognise the term ‘disability’, and reported that Aboriginal and Torres Strait Islander people have different belief systems around these issues. People’s differences are simply accommodated within Aboriginal and Torres Strait Islander communities where possible.<sup>30</sup> However, ‘the absence of support due to the lack of identification and understanding of Indigenous needs and approaches to disability continues to be a serious cause for concern’.<sup>31</sup> Aboriginal and Torres Strait Islander people

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<sup>28</sup> Mallee District Aboriginal Services, News, *MDAS program gets international recognition*, (2013) <<http://www.mdas.org.au/page.php?id=3&bid=68>>

<sup>29</sup> Central West Women’s Health Centre Inc., Resources, *Aboriginal Mothers and Daughters Gathering*, <<http://www.cwwhc.org.au/Resources.aspx>>

<sup>30</sup> Mindy Sotiri, Patrick McGee, Eileen Baldry (2012) ‘No End in Sight: The imprisonment, and indefinite detention of Indigenous Australians with a Cognitive Impairment’, UNSW, Sydney, 8.

<sup>31</sup> Ibid

are concerned that information gathered about a person's disability may be used against them or their community.<sup>32</sup> In its recent report the Productivity Commissioner reported:

*Indigenous Australians face significant barriers to accessing disability support services. This occurs due to social marginalisation, concern about approaching government agencies, cultural attitudes towards disability and services that are not mindful of cultural differences.*<sup>33</sup>

The Productivity Commission outlined a number of strategies that can assist in meeting the needs of Aboriginal and Torres Strait Islander people. These include: embedding services within the community; employing indigenous staff; and improving the culturally appropriateness of services.<sup>34</sup>

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## AREAS FOR DEVELOPMENT

Participants reported a general lack of services for Aboriginal and Torres Strait Islander children and young people with disabilities. There is no dedicated Aboriginal and Torres Strait Islander service for this group within the ACT. It was reported by service providers that this appeared to be the case across Australia, and that this area should be a specific priority for decision makers. A children and young people's service provider reported that:

*In terms of disability, mental health and other services people need to understand that Aboriginal people have different belief systems around these issues. They are not bound by the hierarchical medical discourse that others are attached to, and people need to talk with those affected by these issues about what works for them.*

It was reported that there needs to be more funding for children and young people with specific needs. Concern was raised in particular regarding the removal of Therapy ACT services at Cranleigh School and the current level of uncertainty around the future of these arrangements. It was reported that mainstream preschools will not take children and young people with disabilities. For example, it was reported that if children and young people cannot write their name, are in nappies, and don't speak they may not be accepted.

It was reported that families are struggling to navigate a system of services and to get the information they need to make decisions. Participants reported that families did not have a good understanding of the National Disability Insurance Scheme (NDIS) and that a number of families missed out on the recent funding rounds due to a lack of information.

It was reported that CPS doesn't work well with children and young people who have a disability that means that they do not access available supports such as financial support from Centrelink or intervention services. One participant reported that in one case they were involved with, CPS workers were not aware of the NDIS and had taken no steps to apply for any of this funding for the young person.

One foster parent reported that when she first became a carer there were five caseworkers for her foster child and 17 professionals giving advice on how to raise him. She reported that the worker who represented the Aboriginal and Torres Strait Islander unit within CPS was great and she raised concerns that this area is now disbanded. She also reported attending one information session on raising Indigenous children and young people for non-Aboriginal and Torres Strait Islander parents which she found very helpful, but that this service was now no longer running due to lack of funds.

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<sup>32</sup> Mindy Sotiri and Jim Simpson (2006) 'Indigenous People and Cognitive Disability: an introduction to issues in police stations', 17 *Indigenous People and Cognitive Disability* 3, 3.

<sup>33</sup> Disability Care and Support, Productivity Commission Enquiry Report, Vol 2, 54 31 July 2011, 531.

<sup>34</sup> Ibid 549.



This parent said she spent a great deal of time trying to find services that were both culturally appropriate for her foster child and that adequately addressed his disability. For example, one culturally appropriate service she attended was not appropriate for her son as there was not enough structure for his needs relating to his disability. She reported that she did not get much assistance from any organisations or services to do this.

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## ENCOURAGING EXPERIENCES FROM THE ACT

The Commission is unaware of any services in the ACT specifically for Aboriginal and Torres Strait Islander children and young people with a disability.

## HOUSING

Safe, secure and affordable housing is necessary to achieve human rights and is particularly important for children and young people. Many people in the ACT community cannot access housing that meets their needs. In 2012 ACT Shelter reported that housing affordability in the ACT had reached crisis point and that on any given night 1360 people were estimated to be homeless.<sup>35</sup> It noted that:

*Indigenous Australians experience a disproportionately greater risk of homelessness, overcrowding and inadequate housing, and a disproportionately lower level of access to private rental and home ownership.*<sup>36</sup>

In the ACT, Aboriginal and Torres Strait Islander people are over-represented among public housing tenancy and under-represented among homeowners.<sup>37</sup> ACT Shelter also notes that families and children and young people are less likely than other groups to be able to access homelessness accommodation quickly<sup>38</sup>.

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## AREAS FOR DEVELOPMENT

A lack of suitable permanent and temporary housing particularly for young women and families was raised by a number of participants. Renting in the open market is expensive and it was reported that there was overt racism in the private rental market. Public housing within the ACT has a major waiting list even for crisis situations. Organisations reported that it wasn't always clear whose responsibility it was to find housing. It was reported that CPS assumed that no accommodation would be available for young people in crisis and that other organisations would then make a referral to First Point and find crisis accommodation for these young people. Services reported placing families in tents at EPIC when there is no other accommodation available, and also that services will send people to the Tent Embassy as well even though these situations are not ideal.

Participants also reported that CPS had removed children and young people from parents because they were not able to find suitable accommodation, particularly for young women in the context of domestic violence. In one case it was reported that the inadequacy of security at a house was the reason children and young people were removed. In another, it was reported that children and young people were removed because there was no suitable housing for the young mother and her children and young people. In these cases agencies reported that CPS had acknowledged there were no concerns with the parenting skills of the mothers.

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<sup>35</sup> ACT shelter, (2012) 'Towards a fairer housing system in the ACT: priorities the change 2012-2014', 4.

<sup>36</sup> Ibid 10.

<sup>37</sup> Ibid 18.

<sup>38</sup> Ibid 18.

It was also reported that sometimes assumptions and expectations of what entails a suitable house may be culturally based and that possible differences in parenting in Aboriginal and Torres Strait Islander families were not taken into account. A requirement by CPS to have a kitchen table based on the assumption that families should sit and eat meals at a table was given as an example. This may set families up to fail if they do not have the money for these types of purchases. It was reported that Aboriginal and Torres Strait Islander people feel judged due to many things including that they may not have a tidy house, but their children and young people are cared for, bathed and fed every night.

A number of organisations reported that the ACT needs crisis accommodation particularly for young Aboriginal and Torres Strait Islander women with children and young people, staffed 24/7 to provide guidance and support for children and young people who might otherwise be removed. (This would be a similar service to Karinya House, but a designated service for Aboriginal and Torres Strait Islander women and children and young people of all ages). Two key Aboriginal and Torres Strait Islander services for homeless young people have been closed down including Lowana youth refuge for young women. One participant described the closure of these services as *shattering for young people*. Narrabundah House provides accommodation services for Aboriginal and Torres Strait Islander young people, however is only for young men who have engagement with Youth Justice.

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#### **ENCOURAGING EXPERIENCES FROM THE ACT**

A number of organisations reported that they engage in finding accommodation for young people or families with children and young people, and reported that there was some benefit from having a one-point referral system through Firstpoint. For example, Gugan Gulwan reported that it works with families in a holistic way and this involves focusing on health, housing education and employment. Similarly, Winnunga say they will actively assist clients to find accommodation if they are in crisis, however, they also reported that this is not specifically funded through their service, and as such places a significant burden on their resources.

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#### **SIMILAR INITIATIVES FROM COMMUNITIES ACROSS AUSTRALIA**

Dawn House Women's Shelter in Darwin provides safe and secure crisis accommodation for women with accompanying children and young people escaping domestic violence in their homes or community. Shelter staff support the women and children and young people and offer a holistic service including assistance with referrals to other agencies, advocacy, emotional support, budgeting advice, support with legal matters and other support services.

An example of holistic service provision is CareSouth's Brighter Futures Illawarra program that helps young Aboriginal and Torres Strait Islander mothers and women with Aboriginal and Torres Strait Islander children and young people in the Illawarra by providing a safe, stable home where they can also develop important parenting and independent living skills. The program provides support to families with children and young people under nine years old or who are expecting a baby and are experiencing difficulties. It is designed to not only deal with immediate pressures of homelessness to provide a basis for young Aboriginal and Torres Strait Islander women to improve their parenting skills and ability to sustain a tenancy. Workers support the young women to access services such as drug, alcohol and mental health counseling along with a range of parenting programs. Residential workers role model age appropriate activities and play to promote healthy child development, meal preparation and household management. They also link the young women to their community, cultural connections and reconnecting to education and employment opportunities where possible.

## TRANSPORT

Transportation is a key factor for Aboriginal and Torres Strait Islander families as Aboriginal and Torres Strait Islander communities traditionally have a very low percentage of car and licence ownership, which may be due to the financial resources, and literacy levels required to obtain and maintain this. Links to transport allows individuals to seek and hold jobs, attend education, access health care and essential services, and fully participate in community life<sup>39</sup>.

The ACT Government has established a Community Transport Study to review community transport services in the ACT. Community Transport aims to facilitate individual and group travel, door to door, to people who do not have ready access to a private motor vehicle and who have difficulty using public transport or standard taxi services. Transport is a priority for all parties as it is key to the accessibility of services and any support systems that are on offer.

### AREAS FOR DEVELOPMENT

A lack of transport options was consistently reported by participants, with participants reporting that public transport does not provide timely, affordable options for Aboriginal and Torres Strait Islander people within the ACT, particularly those who have a number of small children and young people, or who have complex needs such as mental health issues, general health issues, or a disability. One participant reported that:

*Lack of transport is a major problem...there was a young mum and her very unwell baby who had to come to the hospital in the middle of the night. She lived at [an outer North suburb] and had to get the baby to Canberra Hospital as there was no service at Calvary. She had no car, there was no bus service, and she had no money. She was discharged from hospital emergency at 2 o'clock in the morning and did not have a way to get home.*

It was also reported that it is intimidating for Aboriginal and Torres Strait Islander people to access public transport, particularly given the recent move towards My Way cards, which need to be applied for via a written form, and need to be topped up regularly.

Services reported that when they offer transport for participants they generally have a significantly larger number of attendees than when they are unable to offer transport. One service advised that they run a small group program and that when they are unable to offer transport they see a decrease in attendees by up to 50%. Another service reported that they could not offer transport on one occasion for their weekly group as the bus they use was not available. This led to the group being cancelled that week as there was no other transport available for participants.

A number of participants also reported that the literacy skills associated with undertaking the Road Ready course in order to obtain a Learner's license provides a major barrier for Aboriginal and Torres Strait Islander people. This course is offered in a formal education setting, mainly schools, however given the number of Aboriginal and Torres Strait Islander students who do not complete formal education at the Year 9/10 level, they miss out on this opportunity. Participants also found it confronting to access this program through other settings such as the Government Shopfronts. Many participants also reported that the cost associated with undergoing driving lessons, which is a requirement of the ACT system, is a considerable barrier for Aboriginal and Torres Strait Islander families, and that young people are not obtaining their license as their families are unable to pay for

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<sup>39</sup> NCOSS, Aboriginal Transport Network, Community Transport Organisation Aboriginal Transport Network <<http://ncoss.org.au/resources/Leading-Our-Way-in-Community-Care/Aboriginal-Transport-Network.pdf>>

the lessons that are required. These lessons can cost a minimum of \$750, which is out of the reach of many young people.

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### **ENCOURAGING EXPERIENCES FROM THE ACT**

The Winnunga medical centre offers a free bus service for its clients, and also offers other forms of transport for participants involved with their Social and Emotional Wellbeing Team or the groups that they offer. Many participants spoke positively about this service, and also reported that it made them more likely to refer to this centre. Northside Community Services also reported that they offer transport to some of their groups, and were working in partnership with other services to offer transport to key programs for Aboriginal and Torres Strait Islander families.

Some services reported that they offer transport, and that this was done out of hours by workers, at a significant cost. This offered particular support to Aboriginal and Torres Strait Islander clients, however, also led to a major drain on resources for the agencies involved.

Gugan Gulwan reported that in the past they have offered the Road Ready course through their agency, and that many participants engaged in this program as it was offered in a less intimidating fashion, in a culturally appropriate environment. This service was not able to offer this program on a regular basis given limited resources, despite the fact that this appeared to provide considerable benefit to young people and their families.

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### **SIMILAR INITIATIVES FROM COMMUNITIES ACROSS AUSTRALIA**

The National Council of Social Services NSW established an Aboriginal Transport Network in 2012 that has nine members from various transport programs across NSW<sup>40</sup>. This network aims to engage mainstream transport services and Indigenous transport services to ensure that Aboriginal and Torres Strait Islander people are able to develop strategies to increase their level of mobility, and increase their capacity to access the key supports services they require.

The Queensland Government has established an Indigenous Driver Licensing Program that aims to assist Indigenous people in Queensland to obtain and maintain a driver's license. This program has developed an easy to read guide called 'Ready for the Road' which explains the road rules and licensing requirements in an understandable manner. This program has also developed initiatives to work with Aboriginal and Torres Strait Islander people who are unable to access the normal licensing process such as outreach programs, and lower cost initiatives, as well as developing strategies for Aboriginal and Torres Strait Islander people to obtain heavy vehicle licenses to increase their capacity for employment<sup>41</sup>.

### **EMPLOYING & TRAINING INDIGENOUS STAFF**

In March 2008, COAG committed to six targets to close the gap on Indigenous disadvantage, one of which was to halve the gap in employment within a decade. The ACT Closing the Gap Report 2013 reported that the gap in labour force participation rates increased between 2006-2011. While labour participation rates for Aboriginal and Torres Strait Islander people in the ACT increased for this period, it did not increase in line with non-Indigenous participation rates, leading to a widening of the gap<sup>42</sup>.

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<sup>40</sup> Ibid

<sup>41</sup> Queensland Government, Department of Transport and Main Roads *Indigenous Driver Licensing Program* (2014), <<http://www.tmr.qld.gov.au/Community-and-environment/Indigenous-programs/Indigenous-driver-licensing-program.aspx>>

<sup>42</sup> ACT Government, ACT Closing the Gap Report 2013, Progress Outcome for Aboriginal and Torres Strait Islander Peoples, (2013) <[http://www.communityservices.act.gov.au/\\_\\_data/assets/pdf\\_file/0005/471614/ACT-Closing-the-Gap-Report.pdf](http://www.communityservices.act.gov.au/__data/assets/pdf_file/0005/471614/ACT-Closing-the-Gap-Report.pdf)>

In 2008, approximately 40% of Aboriginal and Torres Strait Islander young people aged 18-24 were neither working nor engaging in education or training across Australia, comparatively only 10% of non-Indigenous people fell into the same category<sup>43</sup>. Specific data for the ACT region is not available to create a comparison.

Employment has substantial benefits for children and young people, young people and families, as employment is more likely to lead to economic stability, which in turn affects health, mental health, ability to access services, and training and education. Employment also assists to build skills and make connections within and outside the community as people are able to engage with others in the employment setting. This is particularly important for young people who are more likely to engage in traineeship/apprenticeship programs.

The Closing the Gap Prime Minister's Report 2014 states that a review of Indigenous employment and training programs will be undertaken by Mr Andrew Forrest in an attempt to ensure that training is offered in a targeted manner and to work towards addressing issues of unemployment for Aboriginal and Torres Strait Islander people<sup>44</sup>. This review sought consultation from various parties across Australia and outcomes were due to be released in April 2014. As yet these outcomes have not been released to the public.

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## AREAS FOR DEVELOPMENT

All participants reported that they felt much more confident in accessing services that had Aboriginal and Torres Strait Islander staff, and also reported that they can feel judged by mainstream services in terms of their cultural needs. One participant reported about a service provider:

*Their Koori staff left so I'm not going there, it's not worth it if there's no one there to help.*

Given this information it is important that services prioritise strategies to recruit and train Aboriginal and Torres Strait Islander people.

Service providers reported that they struggle to employ and retain qualified Aboriginal and Torres Strait Islander staff, particularly in key areas such as education, mental health, and children and young people's services. Service providers also reported that they felt targeted recruitment and training for young Aboriginal and Torres Strait Islander people in these areas would be very beneficial for the community.

Many participants reported that they had had positive experiences at child care providers that employed Aboriginal and Torres Strait Islander workers on a traineeship basis, and that this type of apprenticeship model provided significant benefit to the employee and the employer and their client group. However, recipients also reported that some Aboriginal and Torres Strait Islander traineeship programs, including a recent ACT Government one, were very intimidating and did not support applicants/trainee's well particularly in terms of their cultural needs, particularly young people who hadn't had significant experience in Government employment.

It was also reported that Aboriginal and Torres Strait Islander families who engage with CPS were very disappointed that there were a limited Indigenous staff at the agency, and that closing their Aboriginal and Torres Strait Unit has had significant effects within the community. This was also

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<sup>43</sup> Commonwealth, Steering Committee for the Review of Government Service Provision, *Overcoming Indigenous Disadvantage: Key Indicators 2011*, (2011) <[http://www.pc.gov.au/\\_\\_data/assets/pdf\\_file/0010/111610/key-indicators-2011-overview-booklet.pdf](http://www.pc.gov.au/__data/assets/pdf_file/0010/111610/key-indicators-2011-overview-booklet.pdf)>

<sup>44</sup> Australian Government, Department of Prime Minister and Cabinet, *Closing the Gap Prime Minister's Report 2014*, <[http://www.dpmc.gov.au/publications/docs/closing\\_the\\_gap\\_2014.pdf](http://www.dpmc.gov.au/publications/docs/closing_the_gap_2014.pdf)>

reported by staff from key service providers and carers who participated. Participants reported that failing to support this team led to the perception that the agency does not care about the Aboriginal and Torres Strait Islander community, making it more difficult for community members to engage well with this service.

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### **ENCOURAGING EXPERIENCES FROM THE ACT**

Booderee National Park (Jervis Bay Territory) is managed by the Wreck Bay Aboriginal Community and Parks Australia and falls within the jurisdiction of the ACT. The National Park provides employment to local Aboriginal and Torres Strait Islander people with nearly 80% of staff and contractors coming from the local Aboriginal and Torres Strait Islander community<sup>45</sup>. The National Park also employs Aboriginal and Torres Strait Islander people to take guided tours throughout the park and the botanical gardens to provide information to guests about the local Aboriginal and Torres Strait Islander culture and the work they are undertaking to protect the land.

The Community Helping Aboriginal Australians to Negotiate Choices Leading to Employment and Success (CHANCES) Program has been funded by the ACT Government and is currently run by Northside Community Services. This program has approximately fifteen participants, and aims to support Aboriginal and Torres Strait Islander people to obtain the skills they need to engage in employment. This may include basic competency in IT, resume writing, and communication skills for interview<sup>46</sup>.

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### **SIMILAR INITIATIVES FROM COMMUNITIES ACROSS AUSTRALIA**

The South Australian Government have developed an Aboriginal Access Centre at each TAFE Campus in the state to provide information to Aboriginal and Torres Strait Islander people about their career options, training requirements, and referral to other agencies. These centres can offer assistance working with Centrelink, arrange mentoring for students, and develop training on various topics including Cultural Awareness<sup>47</sup>. These centres are funded to assist students to enter the workforce and build relationships with key employers in the area, and also focus on trade qualifications such as licenses/tickets.

The NSW Office of Education provides funding for many programs to assist Aboriginal and Torres Strait Islander people with employment including a service called 'The Way Ahead for Aboriginal People'. This project provides mentoring services for Aboriginal and Torres Strait Islander apprentices and trainees who need additional support in the workplace<sup>48</sup>. Mentors are chosen because of their experience and acceptance within Aboriginal and Torres Strait Islander communities and can offer support to workplaces as well as employees, referral to other supports, and maintain ongoing contact with the trainee for as long as required.

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<sup>45</sup> Parks Australia, National Parks and Gardens, *Booderee – Our History*, (2013) <<http://www.parksaustralia.gov.au/booderee/people/history.html>>

<sup>46</sup> Northside Community Services, *Building a Stronger Community, CHANCES*, (2010) <[http://www.northside.asn.au/young-people/chances\\_program](http://www.northside.asn.au/young-people/chances_program)>

<sup>47</sup> Government of SA, Skills for All, *Aboriginal Access Centres*, (2014) <<http://www.skills.sa.gov.au/training-learning/assistance-and-support/support-for-aboriginal-people>>

<sup>48</sup> NSW Government, Education and Communities- Office of Education, *The Way Ahead for Aboriginal People*, (2013) <[https://www.training.nsw.gov.au/programs\\_services/funded\\_other/acp/waap.html](https://www.training.nsw.gov.au/programs_services/funded_other/acp/waap.html)>

## PART 4: JERVIS BAY TERRITORY

In April 2013, as part of National Youth Week, the ACT Children & Young People Commissioner (CYPC) visited the Jervis Bay Territory. As well as talking with children and young people from Wreck Bay Village and Jervis Bay Village about issues important to them, the Commissioner also distributed a postcard survey that asked 'what would make Jervis Bay Territory a better place for children and young people'. The Commissioner also ran a consultation session with 24 Aboriginal and Torres Strait Islander students from Wreck Bay, with students talking with the CYPC and decorating cloth flags with their ideas. The results from both consultations have been included in this report.

### AREAS FOR DEVELOPMENT

Participants reported a lack of extra-curricular activities for children and young people in the Jervis Bay Territory and there would be specific benefit in developing after school programs around sports, educational activities, and cultural development such as dance and arts. It was also reported that there are a lack of facilities for children and young people in the Jervis Bay Territory such as playgrounds, sporting grounds, shops, skate parks, and youth centres. One participant reported:

*It would be really deadly if the kids at Wrecky (Wreck Bay) had a Youth Centre to do activities at*

There were also several reports made around the current facilities that are on offer such as the basketball court, tennis court and playgrounds, and that further work needs to be undertaken to upgrade these facilities. Another participant reported:

*If they fixed it (playground) up, maybe more children and young people would play in it.*

Participants also reported that there was a lack of transport in the community and that this had flow on effects as it made it difficult to access other services and amenities. Other community members reported that a museum outlining the cultural history of the area would be beneficial to the community as well.

Many participants of both consultations reported that computer access would assist the community, particularly if the computers could be accessed to complete educational tasks such as homework and tutoring, as this would support the literacy and numeracy skills of children and young people in the area.

It was also reported through meeting with some community members at Wreck Bay that there were considerable difficulties engaging with services that are based in the ACT area such as courts, policing, and CPS. The community members consulted recognised that there were inherent difficulties providing services remotely from Canberra, however reported that further work was required to address these difficulties. One participant reported that after she was assaulted in the community she was advised that she could only obtain an emergency protection order by travelling to Canberra, and that this was not feasible. This was just one example of the difficulties faced in the community due to remotely managed services.

Participants also reported that they were very worried about the proposed transition of the administration of the Jervis Bay Territory from the ACT to NSW, and the absence of any meaningful consultation about the transition.

Participants reported that they were particularly concerned about the potential closure of the Jervis Bay School, which would result in the current students of the school having to travel a significant distance, and off country, to attend school.

#### ENCOURAGING EXPERIENCES FROM THE ACT

The Wreck Bay Aboriginal Community consists of 403 hectares on the southern shores of Bherwerre Peninsula. The Wreck Bay village consists of 48 houses, a Council Administration office, an early education learning centre, a medical centre, a community hall, multi functional centre, playing fields, a fire shed and cemetery. The village area is regarded as a private area that is for community members and their invited guests<sup>49</sup>. The Wreck Bay Aboriginal Community Council provides a number of municipal services and is the only Aboriginal Community established in a non-self governing territory. This council is a representative of the Wreck Bay community, and is able to engage decision makers, raise awareness, and advocate for the wellbeing of community members on many issues. Booderee National Park is managed by the Wreck Bay Aboriginal Community in partnership with Parks Australia and provides additional income and employment for the community.

The Wreck Bay community has a strong sense of cultural identity and has worked to develop curriculum at the local schools that focuses on Indigenous language and the cultural identity of children and young people. This Wreck Bay Aboriginal Community Council has also developed services on site such as a medical centre and childcare centre which provides additional support to the community.

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<sup>49</sup> Wreck Bay Aboriginal Community Council, *Where we are*,  
< <http://www.wbacc.gov.au/content/where-we-are>>



## **PART 5: SUGGESTIONS FROM PARTICIPANTS**

Participants made a number of suggestions about how to improve service delivery for Aboriginal and Torres Strait Islander children and young people, and their families. The Commission encourages the ACT Government to participate in further dialogue with the ACT Aboriginal Torres Strait Islander communities about these suggestions.

### **COMMUNITY, CONNECTEDNESS, & KIN NETWORKS**

- Further development of cultural appropriate school holiday programs that focus on building cultural identity.
- Development of a community controlled Cultural Centre that acknowledges the diverse needs and experiences of Aboriginal and Torres Strait Islander people within the ACT.
- Development of further extra-curricular or sports programs for children and young people that focuses on cultural development and identity.
- Development of a Yarning Circle program.
- A supported service to assist the development and maintenance of kinship networks/relationships and to mediate family conflicts when they arise.
- Support for Aboriginal and Torres Strait Islander people to access information about their cultural identity, land, and family groups, including emotional support and assistance with processing information as it arises.

### **EDUCATION & CHILD CARE**

- Serious consideration be given to the consequences of the potential closure of the Jervis Bay School as a result of the transition of the administration of the Jervis Bay Territory from the ACT to NSW.
- An Aboriginal and Torres Strait Islander educational support role be established on a full time basis at each school which focuses on recruiting educational staff with specific cultural awareness and competency.
- An Indigenous Culture and History component be added to the mainstream Access 10 program.
- More affordable Child Care for Aboriginal and Torres Strait Islander children and young people, and a number of spaces allocated to indigenous children and young people at various centres.
- Ongoing tutoring and mentoring programs for children and young people.
- Schools with a high proportion of Aboriginal and Torres Strait Islander children and young people be awarded extra funding for additional services such as homework clubs, cultural connection activities, and family assistance. Also information be provided to families about the current funding they are able to access.
- An information pack be developed and promoted through schools that lists programs, initiatives, and services that support Aboriginal and Torres Strait Islander families across the ACT.
- Development of an alternative education program or strategy for children and young people who cannot engage in mainstream school settings. Information on this strategy to be provided to all parents.

### **MENTAL HEALTH**

- The development of a service to offer support to Aboriginal and Torres Strait Islander families after the removal of their children and young people. This would support their mental health and the emotional turmoil of this situation.

- The development of further services to assist the mental health needs of young people, particularly those that are not able to meet the referral criteria for CAMHS
- A review of the referral criteria for CAMHS.

#### **CULTURAL AWARENESS & TRAINING**

- A service to offer mentoring and cultural advice to workers who are non-indigenous and engaging Aboriginal and Torres Strait Islander clients
- A mentoring service for Aboriginal and Torres Strait Islander people employed in mainstream services
- Assessment and evaluation of the current providers of Cultural Awareness Training and an acknowledgement of the key competencies that this training requires.

#### **COMMUNITY PARTICIPATION & CULTURALLY APPROPRIATE FUNDING MODELS**

- The Aboriginal Elected Body be utilised for advice in funding decisions and proposals that effect Aboriginal and Torres Strait Islander people. The Aboriginal Elected Body be further supported to engage in consultative process about the wellbeing of Aboriginal and Torres Strait Islander people.
- Develop a process/strategy for Government decision makers to engage with the Aboriginal and Torres Strait Islander community in an ongoing manner.

#### **CARE & PROTECTION**

- The development of a culturally appropriate service that offers in home support by trained staff 24/7 for Aboriginal and Torres Strait Islander families who are at risk of the removal of children and young people.
- More culturally appropriate intensive family support programs outside the CPS system.
- A specific foster carer support program for non-indigenous foster carers who are caring for Aboriginal and Torres Strait Islander children and young people.
- Further information for Aboriginal and Torres Strait Islander families who are engaged with CPS, and an information portal to provide advice to navigate this system. This information would need to be provided in a culturally appropriate fashion.
- The development of a strategy to assist the recruitment of Aboriginal and Torres Strait Islander foster carers.
- The development of a strategy to promote parallel planning within CPS, to explore reunification with birth parents at the same time as other kinship options, leading to less time for children and young people within the foster care system.
- A review of the use of Voluntary Care Agreements, and the process of developing Cultural Care Plans within CPS.
- Cultural Awareness training be prioritised for all workers, particularly for those workers that do not have experiences of working with Aboriginal and Torres Strait Islander people.
- Reinstating a team of Aboriginal and Torres Strait Islander workers to support front-line staff and offer cultural advice.
- CPS prioritise contact arrangements for Aboriginal and Torres Strait Islander families to ensure cultural connection is maintained for key times such as holidays (Christmas, Easter, etc.). CPS to also prioritise sibling contact where siblings are not placed together.

#### **HEALTH**

- Support for birthing at Winnunga as clients currently need to access hospital for birth, despite the fact that they engage with Winnunga for all other birthing services.

- Financial Support for Aboriginal and Torres Strait Islander children and young people who require orthodontic treatment.
- Exploration of the feasibility of developing designated Aboriginal and Torres Strait Islander health services in the Northern suburbs of Canberra.

## DISABILITY

- A brokerage service for families who care for children and young people with disabilities so that people can access services they need and navigate the system. It would also provide a key portal to obtain information of what services/programs are available.
- Establishing a disability service within an existing Aboriginal and Torres Strait Islander service provider.
- An Aboriginal and Torres Strait Islander Coordinator position be established that provides a one point referral/information service across the disability sector.

## HOUSING

- A crisis accommodation service/temporary housing for young people and/or families.
- A fully staffed accommodation service that works to build parenting skills for Aboriginal and Torres Strait Islander families who are at risk of the removal of children and young people.

## TRANSPORT

- A program to offer transport assistance particularly for Aboriginal and Torres Strait Islander families who have legal requirements around probation and parole, and CPS matters.
- Key Aboriginal and Torres Strait Islander services be supported to offer Road Ready, and driving instruction in a culturally appropriate way on an ongoing basis.
- An investigation into the feasibility of community transport options for Aboriginal and Torres Strait Islander people
- Funding to assist young people who are unable to access driving lessons

## EMPLOYING & TRAINING INDIGENOUS STAFF

- A dedicated scholarship/sponsorship program to promote formal teaching qualifications for Aboriginal and Torres Strait Islander people.
- A more in-depth work experience program for Aboriginal and Torres Strait Islander young people.
- Focus on supported recruitment of Aboriginal and Torres Strait Islander staff at key agencies who have a high level of engagement with this group including CPS, youth justice, housing, and criminal justice.

## WHOLE OF GOVERNMENT

- Meaningful and respectful consultation with the residents of the Jervis Bay Territory about the transition of the administration of the Jervis Bay Territory from the ACT to NSW.
- Further investigation of culturally appropriate services available for Aboriginal and Torres Strait Islander people who reside in the Northern parts of Canberra.
- An Aboriginal and Torres Strait Islander Coordinator position be established that provides a one point referral/information service.
- Assistance for Aboriginal and Torres Strait Islander people to obtain birth certificates.
- A mentoring/role modelling service for Aboriginal and Torres Strait Islander young people, particularly those who are at risk of offending.

- More information for Aboriginal and Torres Strait Islander people who are detained at the Alexander Maconochie Centre, particularly about services available for their families and their rights.