APPENDIX A: Chronology – Northern Territory Emergency Response (NTER)

Chronology – Northern Territory Emergency Response (NTER)	
Date	**Event**
15 June 2007	The *Little Children are Sacred*[1] report is publicly released by the Northern Territory Government.
21 June 2007	The Australian Government announces the introduction of the Northern Territory Emergency Response measures.
7 August 2007	The following Bills are introduced into, and passed by the House of Representatives: • Northern Territory National Emergency Response Bill 2007 • Social Security and Other Legislation Amendment (Welfare Payment Reform) Bill 2007 (Cth) • Families, Community Services and Indigenous Affairs and Other Legislation Amendment (Northern Territory National Emergency Response and Other Measures) Bill 2007 (Cth) • Appropriation (Northern Territory National Emergency Response) Bill (No 1) 2007–2008 (Cth) • Appropriation (Northern Territory National Emergency Response) Bill (No 2) 2007–2008 (Cth).
9 August 2007	The Senate refers the five Bills to the Senate Standing Committee on Legal and Constitutional Affairs. The Committee received 154 submissions.[2]
10 August 2007	The Senate Standing Committee on Legal and Constitutional Affairs conducts its sole public hearing for this inquiry.
13 August 2007	The report of the Senate Standing Committee on Legal and Constitutional Affairs is tabled in Parliament.
17 August 2007	All five Bills pass the Senate and receive assent. The five Acts are referred to as the NTER.
June 2008	The then Government commissions an independent review of the NTER.
October 2008	The NTER Review Board reports to the Australian Government.[3]

[1] National Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, *Ampe Akelyernemane Meke Mekarle "Little Children are Sacred"* (2007). At http://www.inquirysaac.nt.gov.au/pdf/bipacsa_final_report.pdf (viewed 19 October 2010).
[2] Parliament of Australia, *Submissions and Additional Information received by the Committee as at 28 August 2007*, http://www.aph.gov.au/senate/committee/legcon_ctte/completed_inquiries/2004-07/nt_emergency/submissions/sublist.htm (viewed 19 October 2010).

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23 October 2008	The Australian Government issues its initial response to the Report of the NTER Review Board.[4]
21 May 2009	The Australian Government issues its final response to the Report of the NTER Review Board.[5] The Australian Government releases the *Future Directions for the Northern Territory Emergency Response: Discussion paper*.[6]
June–August 2009	The Australian Government consults with Aboriginal communities on ways that certain identified NTER measures could be redesigned.
23 November 2009	The Australian Government releases its *Report on the Northern Territory Emergency Response Redesign Consultations* and the independent report it commissioned from the Cultural and Indigenous Research Centre Australia (CIRCA).[7]
24 November 2009	The Australian Government releases its policy statement on the proposed redesigned NTER measures.[8]
25 November 2009	The Australian Government introduces the Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial

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[3] Northern Territory Emergency Response Review Board, *Report of the NTER Review Board* (2008). At http://www.nterreview.gov.au/docs/report_nter_review.PDF (viewed 19 October 2010).
[4] Minister for Families, Housing, Community Services and Indigenous Affairs, 'Compulsory income management to continue as key NTER measure' (Media Release, 23 October 2008). At http://www.jennymacklin.fahcsia.gov.au/mediareleases/2008/Pages/nter_measure_23oct08.aspx (viewed 2 December 2010). The Government accepted the three overarching recommendations of the Review Report.
[5] Australian Government and Northern Territory Government, *Response to the Report of the NTER Review Board* (undated). At http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/response_to_reportNTER/Documents/Aust_response_1882953_1.pdf (viewed 19 October 2010).
[6] Australian Government, *Future Directions for the Northern Territory Emergency Response: Discussion paper*, Department of Families, Housing, Community Services and Indigenous Affairs (2009). At http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/future_directions_discussion_paper/Pages/default.aspx (viewed 19 October 2010).
[7] Australian Government, *Report on the Northern Territory Emergency Response Redesign Consultations,* Department of Families, Housing, Community Services and Indigenous Affairs (2009). At http://www.facsia.gov.au/sa/indigenous/pubs/nter_reports/Documents/redesign_consultations/default.htm (viewed 19 October 2010); Cultural & Indigenous Research Centre Australia, *Report on the NTER Redesign Engagement Strategy and Implementation: Final Report* (2009). At http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/Documents/redesign_engagement_strategy/final_report_09_engage_strat.PDF (viewed 19 October 2010).
[8] Australian Government, *Policy Statement: Landmark Reform to the Welfare System, Reinstatement of the Racial Discrimination Act and Strengthening of the Northern Territory Emergency Response*, Department of Families, Housing, Community Services and Indigenous Affairs (2009), p 10. At http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/policy_statement_nter/Pages/default.aspx (viewed 19 October 2010).

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	Discrimination Act) Bill 2009 (Cth) (Welfare Reform Bill) into the House of Representatives.[9]
26 November 2009	The Senate refers the Welfare Reform Bill to the Senate Community Affairs Legislation Committee along with the Families, Housing, Community Services and Indigenous Affairs and other Legislation Amendment (2009 Measures) Bill 2009 (Cth) and Senator Siewert's private senator's Bill (the Families, Housing, Community Affairs and Other Legislation (Restoration of Racial Discrimination Act) Bill 2009 (Cth)).
1 February 2010	Submissions to the Senate Community Affairs Legislation Committee's Inquiry are due. The Committee receives 95 submissions.[10]
4, 11, 15, 17, 22, 25, 26 February 2010	The Senate Community Affairs Legislation Committee holds public hearings.
24 February 2010	The House of Representatives passes the Welfare Reform Bill.
10 March 2010	The Senate Community Affairs Legislation Committee reports on its inquiry.[11]
21 June 2010	The Senate passes the Welfare Reform Bill.
29 June 2010	The Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2010 (Cth) receives assent.
1 July 2010	Most amendments under the *Welfare Reform Act* (not including lifting the suspension of the RDA) commence.[12]
31 December 2010	The provisions lifting the suspension of the RDA over the NTER legislation and actions under it commence.[13]

[9] The Government also introduced the Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2009 Measures) Bill 2009 (Cth).
[10] Parliament of Australia, *Submissions received by the Committee,* http://www.aph.gov.au/senate/committee/clac_ctte/soc_sec_welfare_reform_racial_discrim_09/submissions/sublist.htm (viewed 19 October 2010).
[11] Senate Community Affairs Legislation Committee, Parliament of Australia, *Report on the Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009 [Provisions] and Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (2009 Measures) Bill 2009 [Provisions] and Families, Housing, Community Services and Indigenous Affairs and Other Legislation Amendment (Restoration of Racial Discrimination Act) Bill 2009* (2010). At http://www.aph.gov.au/Senate/committee/clac_ctte/soc_sec_welfare_reform_racial_discrim_09/report/index.htm (viewed 19 October 2010).
[12] *Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Act 2010* (Cth), cl 2.
[13] *Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Act 2010* (Cth), s 1. For a discussion of the applicability of the RDA to new income

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21 June 2011	The Government releases the *Stronger Futures* Discussion Paper.[14]
June – August 2011	The Government consults with Aboriginal communities in the Northern Territory about the *Stronger Futures* Discussion Paper.
18 October 2011	The Government releases the *Stronger Futures* consultation report. It also releases CIRCA's report on the Government's consultation and communication strategy.[15]
10 November 2011	The Government releases the evaluation report into the operation of the NTER.[16]
23 November 2011	The Government introduces the Stronger Futures in the Northern Territory Bill 2011; Social Security Legislation Amendment Bill 2011; Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011 (Stronger Futures Bills) into the House of Representatives.
25 November 2011	The Senate refers the Stronger Futures Bills to the Community Affairs Legislation Committee for Inquiry.[17]
1 February 2012	Submissions to the Community Affairs Legislation Committee Inquiry are due.
29 February 2012	The Community Affairs Legislation Committee is due to report.
30 June 2012	Existing NTER funding measures cease.[18]
18 August 2012	Many existing NTER legislative measures are due to cease.[19]

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management measures see Australian Human Rights Commission, *Submission to the Senate Community Affairs Committee Inquiry into the Welfare Reform and Reinstatement of Racial Discrimination Act Bill 2009 and other Bills* (10 February 2010), paras 50–53. At http://www.humanrights.gov.au/legal/submissions/sj_submissions/2010_welfare_reform.html (viewed 22 November 2010).

[14] Stronger Futures documents are available at: Australian Government, *Stronger Futures in the Northern Territory,* http://www.indigenous.gov.au/stronger-futures-in-the-northern-territory/ (viewed 20 January 2012).

[15] Stronger Futures documents are available at: Australian Government, *Stronger Futures in the Northern Territory,* http://www.indigenous.gov.au/stronger-futures-in-the-northern-territory/ (viewed 20 January 2012).

[16] Stronger Futures documents are available at: Australian Government, *Stronger Futures in the Northern Territory,* http://www.indigenous.gov.au/stronger-futures-in-the-northern-territory/ (viewed 20 January 2012).

[17] Information relating to the Inquiry is available at: Parliament of Australia – Senate, *Stronger Futures in the Northern Territory Bill 2011 and two related bills,* http://www.aph.gov.au/senate/committee/clac_ctte/strong_future_nt_11/index.htm (viewed 20 January 2012).

[18] Australian Government, *Stronger Futures in the Northern Territory discussion paper* (June 2011), p 4. At: http://www.indigenous.gov.au/stronger-futures-in-the-northern-territory/ (viewed 20 January 2012).

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[19] Many legislative measures are due to sunset: *Northern Territory National Emergency Response Act 2007* (Cth), s 6. The Stronger Futures in the Northern Territory (Consequential and Transitional Provisions) Bill 2011 proposes to repeal the NTNER Act however certain measures are 'saved'.

APPENDIX B: Features of a meaningful and effective consultation process

Features of a meaningful and effective consultation process[1]

1. **The objective of consultations should be to obtain the consent or agreement of the Aboriginal and Torres Strait Islander peoples affected by a proposed measure**

   In all cases, States should engage in '[a] good faith effort towards consensual decision-making'.[2] Consultation processes should therefore be framed 'in order to make every effort to build consensus on the part of all concerned'.[3]

2. **Consultation processes should be products of consensus.**

   The details of a specific consultation process should always take into account the nature of the proposed measure and the scope of its impact on indigenous peoples. A consultation process should itself be the product of consensus. This can help ensure that the process is effective.

3. **Consultations should be in the nature of negotiations**

   Governments need to do more than provide information about measures that they have developed on behalf of Aboriginal and Torres Strait Islander peoples and without their input. Further, consultations should not be limited to a discussion about the minor details of a policy when the broad policy direction has already been set.

   Governments need to be willing and flexible enough to accommodate the concerns of Aboriginal and Torres Strait Islander peoples, and work with them in good faith to reach agreement. Governments need to be prepared to change their plans, or even abandon them, particularly when consultations reveal that a measure would have a significant impact on the rights of Aboriginal and Torres Strait Islander peoples, and that the affected peoples do not agree to the measure.

4. **Consultations need to begin early and should, where necessary, be ongoing**

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[1] This Appendix summarises the 'Features of a meaningful and effective consultation process' set out in Chapter 3 of the *Native Title Report 2010* which is to be launched in early 2011. It builds on international standards and draws on feedback from Native Title Representative Bodies (NTRBs), Native Title Service Providers (NTSPs) and Prescribed Bodies Corporate (PBCs) regarding meaningful and effective consultation processes in the native title system, as well as comments by Aboriginal and Torres Strait Islander peoples' organisations as expressed in their submissions to recent public inquiries and international processes.

[2] J Anaya, *Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya*, Report to the Human Rights Council, 12th session, UN Doc A/HRC/12/34 (2009), para 50. At http://unsr.jamesanaya.org/PDFs/Annual2009.pdf (viewed 19 January 2012).

[3] Anaya, above, para 48.

APPENDIX B: Features of a meaningful and effective consultation process

Aboriginal and Torres Strait Islander peoples affected by a law, policy or development process should be able to meaningfully participate in all stages of its design, implementation and evaluation.

5. Aboriginal and Torres Strait Islander peoples must have access to financial, technical and other assistance

The capacity of Aboriginal and Torres Strait Islander communities to engage in consultative processes can be hindered by their lack of resources. Even the most well-intentioned consultation procedure will fail if Aboriginal and Torres Strait Islander peoples are not resourced to participate effectively. Without adequate resources to attend meetings, take proposals back to their communities or access appropriate expert advice, Aboriginal and Torres Strait Islander peoples cannot possibly be expected to consent to or comment on any proposal in a fully informed manner.

6. Aboriginal and Torres Strait Islander peoples must not be pressured into making a decision

Aboriginal and Torres Strait Islander peoples should be able to participate freely in consultation processes. Governments should not use coercion or manipulation to gain consent.

In addition, Aboriginal and Torres Strait Islander peoples should not be pressured into decisions through the imposition of limited timeframes.

7. Adequate timeframes should be built into the consultation process

Consultation timeframes need to allow Aboriginal and Torres Strait Islander peoples time to engage in their decision-making processes and cultural protocols.

Aboriginal and Torres Strait Islander peoples need to be given adequate time to consider the impact that a proposed law, policy or development may have on their rights. Otherwise, they may not be able to respond to such proposals in a fully informed manner.

8. Consultations should be coordinated across government departments

Governments should adopt a 'whole of government' approach to law and policy reform, pursuant to which consultation processes are coordinated across all relevant departments and agencies. This will assist to ease the burden upon Aboriginal and Torres Strait Islander peoples of responding to multiple discussion papers and reform proposals.

9. Consultations need to reach the affected communities

Government consultation processes need to directly reach people 'on the ground'. Given the extreme resource constraints faced by many Aboriginal and Torres Strait Islander peoples and their representative organisations, governments cannot simply expect communities to come to them.

APPENDIX B: Features of a meaningful and effective consultation process

Governments need to be prepared to engage with Aboriginal and Torres Strait Islander peoples in the location that is most convenient for, and is chosen by, the community that will be affected by a proposed measure.

10. Consultations need to respect representative structures and decision-making processes

Governments need to ensure that consultations follow appropriate community protocols, including representative and decision-making mechanisms.

The best way to ensure this is for governments to engage with communities and their representatives at the earliest stages of law and policy processes, and to develop consultation processes in full partnership with them.

11. Governments must provide all relevant information, and do so in an accessible way

To ensure that Aboriginal and Torres Strait Islander peoples are able to exercise their rights to participate in decision-making in a fully informed way, governments must provide full and accurate information about the proposed measure and its potential impact.

This information needs to be clear, accessible and easy to understand. Information should be provided in a plain-English format, and, where necessary, in language.

APPENDIX C: Creating cultural competency – Chapter 4 *Social Justice Report 2011*

4 Cultural safety and security: Tools to address lateral violence

4.1 Introduction

Lateral violence is a multilayered, complex problem and because of this our strategies also need to be pitched at different levels. In Chapter 3 I have looked at the big picture, with the human rights framework as our overarching response to lateral violence. In this Chapter I will be taking our strategies to an even more practical level, looking at how we can create environments of cultural safety and security to address lateral violence.

A culturally safe and secure environment is one where our people feel safe and draw strength in their identity, culture and community. Lateral violence on the other hand, undermines and attacks identity, culture and community. In this Chapter I will be looking at ways to establish an environment that ensures:

- cultural safety within Aboriginal and Torres Strait Islander communities and organisations
- cultural security by external parties such as governments, industry and non-government organisations (NGOs) who engage with Aboriginal and Torres Strait Islander communities and organisations.

The concepts of cultural safety and security are illustrated through a selection of case studies highlighting promising practices that are occurring both within our communities and in partnership with government. These case studies provide us with practical strategies, but just as importantly, they also remind us that our communities, with the right support, have the ability to solve their own problems. This gives me hope that we can begin to address the problems of lateral violence.

4.2 Defining cultural safety and cultural security

As we saw in defining lateral violence in Chapter 2, there are a variety of words that are used to describe lateral violence. Similarly, there is some debate in the literature around the differing concepts of cultural safety and security. I will explain this briefly below.

While I do not want to get bogged down in semantics, I think that the concepts of cultural safety and cultural security both add something to the way we think about addressing lateral violence. Cultural safety encapsulates the relationships that we need to foster in our communities, as well as the need for cultural renewal and revitalisation. The creation of cultural safety in our communities will be the focus of the case studies in the next part of this Chapter.

Cultural security on the other hand, speaks more to the obligations of those working with Aboriginal and Torres Strait Islander communities to ensure that there are policies and practices in place so that all interactions adequately meet cultural needs.

Whatever words you use, cultural safety and security requires the creation of:

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- environments of cultural resilience within Aboriginal and Torres Strait Islander communities
- cultural competency by those who engage with Aboriginal and Torres Strait Islander communities.

In other words, we need to bullet proof our communities so they are protected from the weaponry of lateral violence. And governments and other third parties need to ensure that our group cohesion does not become collateral damage when they engage with our communities.

(a) Cultural safety

The concept of cultural safety is drawn from the work of Maori nurses in New Zealand and can be defined as:

> [A]n environment that is safe for people: where there is no assault, challenge or denial of their identity, of who they are and what they need. It is about shared respect, shared meaning, shared knowledge and experience of learning, living and working together with dignity and truly listening.
>
> [1]

For Aboriginal and Torres Strait Islander peoples a culturally safe environment is one where we feel safe and secure in our identity, culture and community. According to the Victorian Aboriginal Child Care Agency (VACCA) the concept of cultural safety:

> [I]s used in the context of promoting mainstream environments which are culturally competent. But there is also a need to ensure that Aboriginal community environments are also culturally safe and promote the strengthening of culture.[2]

VACCA is a leader in advancing the concept of cultural safety. Their research into cultural safety and its relevance to Aboriginal and Torres Strait Islanders is considered in Text Box 4.1.

Text Box 4.1: Exploring cultural safety

The VACCA undertook research through surveys and interviews with Victorians (predominately Indigenous) to unpack the concept of cultural safety. Some of the responses to questions exploring the concept included:

> 'Feeling safe in the knowledge that you're listened to, that your contribution to the community is important, just as much as anyone else's'.
> (Koorie worker).

[1] R Williams, 'Cultural Safety – what does it mean for our work practice?' (1999) 23(2) *Australian and New Zealand Journal of Public Health* 213, p 213.
[2] R Frankland, M Bamblett, P Lewis and R Trotter, *This is 'Forever Business: A Framework for Maintaining and Restoring Cultural Safety in Aboriginal Victoria*, Victorian Aboriginal Child Care Agency (2010), p 12.

APPENDIX C: Creating cultural competency – Chapter 4 *Social Justice Report 2011*

> 'Feeling safe in who you are… in your identity. Knowing that you're a proud Indigenous person… taking strength in your culture through adversities'.
> (Koorie worker).
> 'I think it's being comfortable with yourself and being able to tell people that you're proud to be of that culture and not feeling that you're being discriminated against'.
> (Koorie parent).[3]

Some examples of cultural safety included:

> 'To find and then be looked in the eyes by my Elders and be told, 'You belong here''.
> (Koorie worker).
>
> 'Me giving myself permission to be an Aboriginal person. Not other people telling me who I should be or who I am'.
> (Koorie worker).
>
> 'Having the sense of refuge in the middle of a storm'.
> (Koorie worker).
>
> 'Feeling safe to be able to express yourself and being embraced by the rest of society'.
> (Koorie worker).[4]

When asked if non-Indigenous environments created safety some responses included:

> 'I become uneasy and nervous but I won't shy away. I won't get shame'.
> (Koorie young person).
>
> 'I don't feel as comfortable as I think a white person feels'
> (Koorie worker).
>
> 'I felt outcast and alone in all white environments'.
> (Koorie woman).[5]

When asked if a physical location where alcohol, drugs and fighting were banned but culture was celebrated would be beneficial responses included:

> 'I wouldn't have a job'.
> (Koorie health worker).
>
> 'If it's free from politics it would be safe but it's just going to get sucked into the same politics...We should be doing that in our organisations. Making them culturally safe. Rather than setting up something autonomous...So we should be saying that 'this is here for everyone' and that 'this is a peaceful place' and once you come on this land putting those cultural boundaries in that used to be [there]'.
> (Koorie worker).
>
> 'It would stand as a symbol of... community identity. And it would give community great pride'.

[3] R Frankland, M Bamblett, P Lewis and R Trotter, *This is 'Forever Business: A Framework for Maintaining and Restoring Cultural Safety in Aboriginal Victoria*, Victorian Aboriginal Child Care Agency (2010), p 63.
[4] R Frankland, M Bamblett, P Lewis and R Trotter, *This is 'Forever Business: A Framework for Maintaining and Restoring Cultural Safety in Aboriginal Victoria*, Victorian Aboriginal Child Care Agency (2010), p 63.
[5] R Frankland, M Bamblett, P Lewis and R Trotter, *This is 'Forever Business: A Framework for Maintaining and Restoring Cultural Safety in Aboriginal Victoria*, Victorian Aboriginal Child Care Agency (2010), p 65.

(Koorie worker).

'It'd be a healing thing for the factions'.
(Koorie worker).

'[It would be] a place we can be seen as human'. Koorie worker.[6]

When asked about how a culturally safe place could help the community responses included:

'In so many ways. That's an enriched environment...so many other environments, including Koorie organisations are environments of poverty...cultural poverty, social poverty and in environments of enrichment people can grow and flourish'.
(Clinical Psychologist).

'It affects the way I walk the land, having seen so much violence. It's everything. Emotional, spiritual, everything. A place like that would be a place of healing for the whole community. It'd bring everyone together. Give us a future. Common heroes that connect us'.
(Koorie man).

'By having a centre-point of pride and identity for the community. Give opportunities for people to get to know each other. Foster connection and belonging. Togetherness'.
(Koorie worker).

'Increased understanding, increased empathy, decreased apathy, decreased racism in the mainstream community'.
(Koorie worker).[7]

The idea of cultural safety envisages a place or a process that enables a community to debate, to grapple and ultimately resolve the contemporary causes of lateral violence without fear or coercion.[8]

VACCA conceives of cultural safety as re-claiming cultural norms and creating environments where Aboriginal people transition; first from victimhood to survivors of oppression, through to seeing themselves and their communities as achievers and contributors.[9] Through this transition Aboriginal and Torres Strait Islander peoples can reclaim their culture. Noel Pearson warns that without this reclamation:

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[6] R Frankland, M Bamblett, P Lewis and R Trotter, *This is 'Forever Business: A Framework for Maintaining and Restoring Cultural Safety in Aboriginal Victoria*, Victorian Aboriginal Child Care Agency (2010), p 70.
[7] R Frankland, M Bamblett, P Lewis and R Trotter, *This is 'Forever Business: A Framework for Maintaining and Restoring Cultural Safety in Aboriginal Victoria*, Victorian Aboriginal Child Care Agency (2010), pp 71-72.
[8] The AIATSIS Workshop on identity identified creating safety to enable a place and process for robust discussion was crucial to changing the negative conversations about identity to focus on solutions: S Gorringe, J Ross and C Fforde, '*Will the Real Aborigine Please Stand Up': Strategies for breaking the stereotypes and changing the conversation*, AIATSIS Research Discussion Paper 28 (2011), p 11. At www.aiatsis.gov.au/research/documents/AIATSISDiscussionPaper28.pdf (viewed 21 September 2011).
[9] Victorian Aboriginal Child Care Agency, *'This is Forever Business: Cultural Safety in Aboriginal Victoria PowerPoint Presentation* (2011).

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> Cultural and linguist decline between generations hollows out a people – like having one's viscera removed under local anaesthetic – leaving the people conscious that great riches are being lost and replaced with emptiness.[10]

Lateral violence fills the empty void. On the other hand, revitalising and renewing our culture and cultural norms within our communities brings resilience and can prevent lateral violence taking its place.

(b) Cultural security

Cultural security is subtly different from cultural safety and imposes a stronger obligation on those that work with Aboriginal and Torres Strait Islander peoples to move beyond 'cultural awareness' to actively ensuring that cultural needs are met for individuals. This means cultural needs are included in policies and practices so that all Aboriginal and Torres Strait Islanders have access to this level of service, not just in pockets where there are particularly culturally competent workers.

The cultural security model developed by Juli Coffin is outlined in Text Box 4.2.

Text Box 4.2: Cultural security model[11]

[10] N Pearson, 'Radical Hope: Education and Equality in Australia' (2009) 35 *Quarterly Essay* 1, p 55.
[11] See Solid Kids - Solid Schools - Solid Families, *What is?*, http://www.solidkids.net.au/index.php/what_is#three/ (viewed 23 September 2011).

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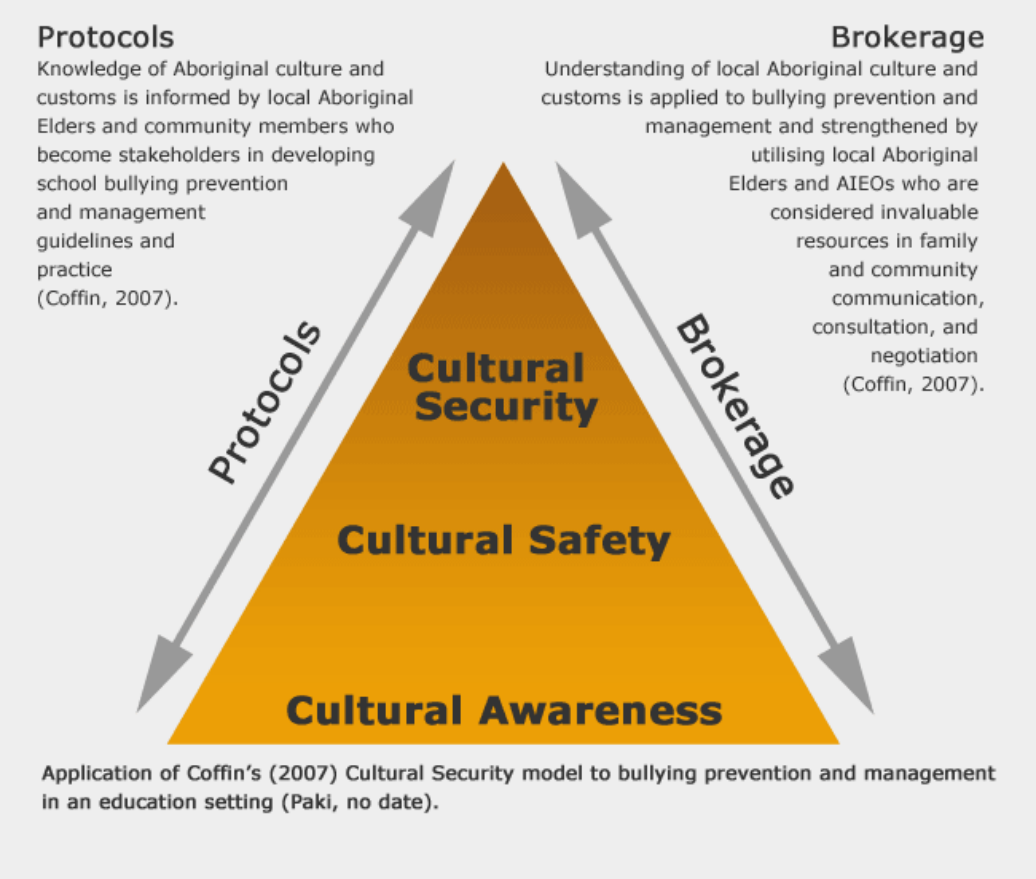

Application of Coffin's (2007) Cultural Security model to bullying prevention and management in an education setting (Paki, no date).

This model distinguishes between cultural awareness, cultural safety and cultural security which Coffin argues have been inappropriately interchanged. Under this conception an organisation cannot progress to cultural security without first addressing cultural safety and cultural awareness.

Coffin uses a practical example of the management of an 8 year old Aboriginal boy by a speech pathologist to define these three levels:

> **Awareness**: '*I know that most Aboriginal people have very extended families*.'
>
> Although the speech pathologist demonstrates a basic understanding of a relevant Cultural issue, it does not lead into action. There is no common or accepted practice and what actions are taken depends upon the individual and their knowledge of Aboriginal culture and cultural security.
>
> **Safety**: '*I am going to make sure that I tell Johnny's Mum, Aunty and Nana about his appointment because sometimes he is not with his Mum*.'
>
> Safety involves health providers working with individuals, organisations and sometimes, the community. More often though cultural safety consists of small actions and gestures, usually not standardised as policy and procedure.
>
> **Security**: '*I am going to write a note to Johnny's family and ask the Aboriginal Health Worker (AHW) to deliver and explain it. I will check with the AHW if any issues were raised when explaining the procedure to the family and if transport is sorted out. I will ask to see if the AHW can be in attendance at the appointment*.'
>
> Cultural security directly links understandings and actions. Policies and procedures create processes that are automatically applied from the time when Aboriginal people

first seek health care.[12]

Farrelly and Lumby note how this model extends cultural competency well beyond simple cultural awareness into behavioural, attitudinal and structural change:

> Cultural Security is built from the acknowledgement that theoretical 'awareness' of culturally appropriate service provision is not enough. It shifts the emphasis from attitudes to behaviour, focusing directly on practice, skills and efficacy. It is about incorporating cultural values into the design, delivery and evaluation of services. Cultural Security recognises that this is not an optional strategy, nor solely the responsibility of individuals, but rather involves society and system levels of involvement. Cultural Security is proposed to effect change in all elements of the health system workforce development, workforce reform, purchasing of health services, monitoring and accountability, and public engagement.[13]

A culturally secure environment cannot exist where external forces define and control cultural identities. The role for government and other third parties in creating cultural safety is ensuring that our voices are heard and respected in relation to our community challenges, aspirations and identities.[14] In this way cultural security is about government and third parties working with us to create an environment for a community to 'exert ownership of ourselves'.[15] Through this ownership we are empowered.

4.3 Cultural safety in our communities

The first part of this Chapter has looked at the concepts of cultural safety and security. In this part I will be looking to the community level to celebrate some of the approaches that are already making a difference in addressing lateral violence on the ground. This approach is deliberate; you have to understand the 'why', that is, have a big picture view of a problem and solutions, before you can go about the 'how' of implementing a response.

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[12] J Coffin, 'Rising to the Challenge in Aboriginal Health by Creating Cultural Security' (2007) 31 (3) *Aboriginal & Islander Health Worker Journal* 22, p 23.
[13] T Farrelly and B Lumby, 'A Best Practice Approach to Cultural Competence Training' (2009) 33(5) *Aboriginal & Islander Health Worker Journal* 5, p 5.
[14] M Dodson, *Aboriginal and Torres Strait Islander Social Justice Commissioner, The End in the Beginning: Re(de)fining Aboriginality* (Speech delivered at Wentworth Lecture, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra, 1994). At http://www.humanrights.gov.au/about/media/speeches/social_justice/end_in_the_beginning.html (viewed 23 September 2011).
[15] M Dodson, *Aboriginal and Torres Strait Islander Social Justice Commissioner, The End in the Beginning: Re(de)fining Aboriginality* (Speech delivered at Wentworth Lecture, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra, 1994). At http://www.humanrights.gov.au/about/media/speeches/social_justice/end_in_the_beginning.html (viewed 23 September 2011).

However, I also believe that communities inherently hold the best solutions to their own problems. This is the strengths-based approach that I am always advocating. This approach builds up our communities rather than constantly tearing them down. At its core is empowerment.

The wisdom, resilience and ingenuity of those working with our communities is always inspiring to me. This sentiment is shared by Lowitja O'Donoghue:

> So many good things are happening in our communities. We are kicking goals, opening doors and breaking through the glass and brown ceilings. And, yet, the times when we wholeheartedly and unanimously celebrate these achievements are relatively few.[16]

These case studies are an opportunity to give some recognition to communities and organisations that are innovating in the field of lateral violence.

But it is also more than an exercise in celebration and recognition. In the absence of formal research and evaluation, these sorts of case studies provide the best available way to look at what is working and why, providing valuable lessons that can be relevant to other communities and contexts.

Again, like Chapter 2, this is not an exhaustive compilation of case studies but it does provide a flavour of the richness of responses to lateral violence that are already operating at the community level. Case studies will illustrate responses to lateral violence in the contexts of education and awareness, bullying, alternative dispute resolution and social and emotional wellbeing. What all of these case studies have in common is their strong focus on creating culturally safe places to confront and/or prevent lateral violence.

(a) Naming lateral violence

Naming lateral violence is the first step towards exerting control over it. It is also a way of exercising agency and responsibility for our communities. Naming lateral violence becomes an action of prevention.

As I have said in Chapter 2, we know that the conversation around lateral violence is not an easy one. It means confronting those in our communities who perpetrate lateral violence and holding them accountable for their actions. But facing up to tough issues is not new for Aboriginal and Torres Strait Islander communities. There are many instances of communities confronting problems like family violence or alcohol abuse with great courage.

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[16] L O'Donoghue, *Stepping Up To The Plate* (Speech delivered at the opening of the National Congress of Australia's First Peoples, Homebush, 8 June 2011), p 3. At http://nationalcongress.com.au/wp-content/uploads/2011/06/Lowitja-ODonoghue-Nat-Congress-080611.pdf (viewed 23 September 2011).

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Naming lateral violence is essentially a process of awareness-raising and education. It is about giving communities:

- the language to name laterally violent behaviour
- the space to discuss its impact
- the tools to start developing solutions.

The following case studies highlight some of the emerging work in this area. Again, it is not a definitive list but it highlights how different communities and organisations have begun working in this area.

(i) Partnership between Native Counselling Services of Alberta and the Cooperative Research Centre for Aboriginal Health

I was first exposed to the concept of lateral violence in my previous role at the Co-operative Research Centre for Aboriginal Health (CRCAH). I attended the Healing Our Spirit Worldwide movement held in Canada in 2006. The gathering was hosted by the Native Counselling Services of Alberta (NCSA). At this gathering I saw how much the concept of lateral violence resonated with Indigenous peoples from around the world. I've seen first-hand how powerful these sorts of workshops on lateral violence can be.

Since 2006 Allen Benson and Patti La Boucane-Benson from the NCSA have delivered lateral violence workshops at numerous events, conferences and organisations in Australia including the Garma Festival, the National Indigenous Health Awards, Menzies School of Health Research, the Victorian Aboriginal Community Controlled Health Organisation (VACCHO) and the Southern Cross University.

The CRCAH developed a close relationship with NCSA and they have jointly presented on lateral violence on several occasions in Australia. To the best of my knowledge these workshops were the first time that the concept was introduced to Australia in a formal way and have kick started many conversations in our communities.

The CRCAH made lateral violence a research priority. A lateral violence roundtable was convened by the CRCAH and co-hosted by the Kullunga Research Network and NCSA in December 2008. The roundtable brought together 25 Aboriginal and Torres Strait Islander people with experience in lateral violence training to develop a consensus for a lateral violence strategy.

A two day lateral violence course was piloted in Adelaide in 2009. I was a facilitator of the program along with Yvonne Clark and Valerie Cooms. The training was completed by Aboriginal and Torres Strait Islander workers in the Department of Families, South Australia. This course has been the basis for many of the lateral violence workshops that have followed.

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(ii) Victorian lateral violence community education project

The Koori Justice Unit in the Department of Justice, Victoria (Vic DOJ), hosted a lateral violence workshop in April 2009 which was attended by 80 Koori community and government representatives. As a result of this workshop the Koori Justice Unit is now funding the Victorian Aboriginal Community Controlled Health Organisation (VACCHO) to raise the profile of lateral violence through community education strategies.

In June 2009, the Vic DOJ funded VACCHO to produce a DVD on lateral violence. A Canadian DVD used in previous workshops was an excellent way to introduce lateral violence but it was felt that a similar production needed to capture the Aboriginal and Torres Strait Islander context and experience.

VACCHO asked Richard Frankland, one of the Australian experts in lateral violence, to produce the DVD. *The Silent Wars – Understanding Lateral Violence* DVD was completed in August 2010. The 30 minute DVD uses culturally-relevant hypothetical examples and features insight from respected Koori community members. It explores the meaning of lateral violence, its origins and impacts, and identifies strategies to reduce lateral violence. The 'not-for-profit' DVD has been distributed to VACCHO's member Aboriginal Health Organisations and other relevant stakeholders and will become a much used resource in raising awareness about lateral violence.

The Vic DOJ has partnered with the Commonwealth Department of Families Housing Community Services and Indigenous Affairs (FaHCSIA) to provide further funding to VACCHO, to utilise the DVD in a Lateral Violence Community Education Project. I will discuss this project in greater detail later in the Chapter, however, I do want to note the importance of this community education role being placed in community controlled organisations like VACCHO. As I say again and again, the conversations about and solutions to lateral violence must start in our communities, not government, although government certainly has a role to support these initiatives. Using Aboriginal and Torres Strait Islander staff from our own organisations will increase the cultural safety that is so important in naming lateral violence.

(iii) Narrative therapy lateral violence workshops

Naming lateral violence in our communities means sharing our stories about lateral violence. The practice of narrative therapy takes this one step further, using a culturally secure model of counselling and community work that empowers participants to deal with lateral violence.

Narrative therapy draws on a strengths-based framework. Narrative therapy is a respectful and empowering way of working with individuals, families and communities

and sees 'people as the experts in their own lives and views problems as separate from people'.[17]

Viewing the problem as external from individuals is a very important shift in counselling and community work because many other therapeutic models have been based on western medical models that pathologise individuals, rather than look at their strengths and resilience. When we consider the amount of negative stereotypes that Aboriginal and Torres Strait Islanders face, this is a very important step in helping to break the hold of negativity and give people the confidence and tools to tackle problems like lateral violence.

Another implication of seeing the problem as separate from the person is that it opens up new ways of talking about issues. Narrative therapy calls this 'externalisation of the problem', allowing participants to see the impacts that problems have on their lives and possible solutions.

Barbara Wingard, a respected Aboriginal Health Worker and expert in narrative therapy, has led work in South Australia around narrative therapy with Aboriginal and Torres Strait Islander people. Barbara believes that narrative therapy offers:

> [A] way for Aboriginal counsellors to develop practices that are culturally sensitive and appropriate. Many Aboriginal people have had put on them negative stories about who they are. With narrative [therapy], we can go through their journeys with them while they tell their stories, and acknowledged their strengths in a re-empowering way.[18]

Narrative therapy is also very interested in the historical, political, economic and cultural factors that shape the stories in our lives. Again, this helps to create context around problems like lateral violence.

Barbara Wingard, alongside colleagues Cheryl White and David Denborough from Dulwich Centre, have been facilitating workshops where lateral violence has been discussed. These workshops have taken place in Adelaide, Port Macquarie and Cairns and have been attended by Aboriginal and Torres Strait Islander and non-Indigenous health workers working in Indigenous health, mental health, drug and alcohol and youth services. These workshops have been based on a script for an externalising exercise created by Barbara Wingard.[19] The exercise is an 'interview' with lateral violence, with a person playing the personification of lateral violence. While this sounds a little bit different from the way we normally conduct workshops and training, Barbara Wingard has seen how using this process of externalisation really assists people to speak about confronting difficult problems and can also be a source of humour. Text Box 4.3 provides an excerpt of the interview script.

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[17] Dulwich Centre, *What is narrative therapy?,* www.dulwichcentre.com.au/what-is-narrative-therapy.html (viewed 23 September 2011).
[18] M Brady, *The Grog Book: Strengthening Indigenous community action on alcohol*, Department of Health and Community Services (1998), p 87.
[19] See B Wingard, 'A conversation with Lateral Violence' (2010) 1 *The International Journal of Narrative Therapy and Community Work* 13, pp 13-17.

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Text Box 4.3: A conversation with lateral violence

Below is an extract from the interview devised by Barbara Wingard to be run in workshops and community education activities about lateral violence.

Good afternoon Lateral Violence. It is really good to meet you in person. You usually seem to be in the shadows, so we appreciate it that today we can talk to you face to face. Can I ask you some questions?

Yes, go ahead.

What do you like to do?

I do my best work destroying people. I like to divide people and break their spirits. I break communities and create nastiness between families because people don't know how to deal with me. I can create violence and big punch-ups sometimes, hurting people and stabbing people. But often I use words and stories more than physical violence to break spirits that way….

How long have you been trying to do this? How long have you been around?

I've been around quite a long time now. The thing is, Aboriginal people have to deal with racism, not being able to get housing or jobs. Many Aboriginal people have to deal with poverty, with alcohol. Many families were separated because of the Stolen Generations. Aboriginal people have faced so many injustices in this country for over two hundred years and all these things have made it much easier for me to do my work. I get into communities when they are facing racism, poverty and injustice.

Because I've been around a long time, sometimes now I get carried on through generations. I love this! I'm pretty sneaky because I make people think I'm part of Aboriginal culture. I tell these lies and people believe me. They now say this is Aboriginal way, our way. And this protects me. They think I'm their way of dealing with things and this makes me very happy.

What makes you powerful?

I reckon I'm doing my best work when I get families to fight against one another. Or when I break down families. It's fantastic when everybody wants to take sides. This creates a bigger divide or division…I'm very strong about culture. In some Aboriginal communities I try to get people of Aboriginal heritage to be suspicious and judge each other by asking 'who is Aboriginal and who is not really Aboriginal?'…

What do you think about people knowing your name these days?

I kept my name secret for a very long time. It worked better for me when I was undercover…this First Nations group in Canada, they noticed that I was doing a lot of work in their community. So they started talking about me. They even made a video about me. At first I felt quite proud about this, I quite liked the idea of being a movie star.

But then they started to show this DVD in other places. They brought it here to Australia and now Aboriginal people here seem to be noticing me more often. They're even holding workshops about me now. People are starting to talk about how they

> confront nastiness but in nice ways…I think I was more powerful when I was invisible and had no name.[20]

Following the interview, participants are invited to share their own stories of lateral violence. This workshop format shows that there are many different ways for us to start talking about lateral violence. The important thing is that they all take place in a space of cultural safety for participants.

(b) Confronting bullying

Chapter 2 highlighted the pervasive impact of bullying in many areas of life. Here I will focus on promising interventions in cyber bullying and the school context.

Like all approaches to dealing with lateral violence, the first step is naming the bullying and lateral violence in order to make it stop. However, we also learn from these case studies that it is necessary to forge strong partnerships with community and other organisations involved. In the case of the cyber bullying project in Yuendumu we have seen collaboration between the community groups, Police and the Department of Justice. In responding to bullying of young people in schools we have seen a strong alliance between schools, parents and children as part of the *Solid Kids, Solid Schools* project.

(i) Tackling cyber bullying in Yuendumu

The remote community of Yuendumu, which lies 293km north-west of Alice Springs on the edge of the Tanami Desert, has faced tough times in recent history. One of the largest remote communities in central Australia, the majority of residents living in Yuendumu are from the Warlpiri clan. Yuendumu is well known for its thriving artistic community and popular football team, the Yuendumu Magpies.

However, late last year Yuendumu drew media attention for different reasons when tensions within the Warlpiri people turned to violence after a 21-year-old man was killed in a fight in a town camp in Alice Springs. This tragic death brought the community to crisis, as members of the west camp sought traditional payback for the death, and the south camp fled to Adelaide to escape the violence that had erupted.

In the midst of this crisis mobile phones were used by young women to perpetrate lateral violence through Telstra BigPond's *Diva Chat*, with emotionally charged messages flying between the camps. The anonymous messages were a way of achieving 'cyber payback' by attacking and provoking family rivals. This cyber payback spilled over into physical violence, with men acting on the fights that happened online. At its worst, messages with altered images of the deceased were sent through *Diva Chat*, an action which violated Warlpiri cultural customs and appalled the community.

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[20] B Wingard, 'A conversation with Lateral Violence' (2010) 1 *The International Journal of Narrative Therapy and Community Work* 13, pp 14-15.

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Determined to take action, community members turned to the local police for help. But with no identifying information, the police struggled to hold perpetrators accountable. Sergeant Tanya Mace from Yuendumu police station describes that 'my hands were tied. In the eyes of the people, the police didn't care'.[21] Desperate to stop the harassment, both camps even suggested shutting down the mobile network entirely, and were willing to sacrifice the use of their mobile phones.

Fortunately, with the help of Intelligence Officers in Katherine, Sergeant Mace was able to get in contact with Air-G, the Canadian company who operate *Diva Chat* and convince them to take action. This contact was able to identify the phone number associated with a user profile and once notified, could shut that profile down within 24 hours.

Equipped with this new power, the police and community were able to develop a reporting system that would help stop the lateral violence which continued to fracture the community. Meetings were held with the two camps which allowed them to establish their own laws for how the reporting system would work, and nominate 'Aunties and Elders' so that young people could have someone to go to and report offensive texts. The chosen representatives then began to meet regularly with the police to report the usernames, so that Sergeant Mace could contact Air-G in Canada and shut down the offending user profiles.

Although the culture of shared phone usage still made it difficult to identify specific individuals, the new system was successful in noticeably reducing the bullying messages. The community felt safer and more confident that the situation could be controlled. As Sergeant Mace explained, 'The women were happy because finally something was being done'.[22]

When the exiled south clan returned to Yuendumu again in April, lateral violence reared its ugly head again, and threats of riots were being made through *Diva Chat*. Determined not to let the situation get out of hand, Eileen Deemal-Hall from the Northern Territory Department of Justice, Sergeant Mace and other community leaders held a meeting at the local police station with young women from both camps. This meeting allowed young women to share their experiences of lateral violence and explain how it affected them, and it allowed Elders to deliver clear messages about culturally appropriate behaviour. This behaviour was modelled through role plays, and young women were shown how to stop perpetuating the cycle of lateral violence by ignoring provocative messages.

Information about local programs and ways to get involved in the community were also provided so that the young women could focus their energies elsewhere. Nicki Davies, Co-ordinator of Mediation Services in Yuendumu, believes that this kind of diversion is the key to stop bored and isolated residents from causing trouble.

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[21] T Mace, *Phone communication with Social Justice Commissioner's Office,* 14 July 2011.
[22] T Mace, *Phone communication with Social Justice Commissioner's Office,* 14 July 2011.

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Whilst divisions still persist for some of the Warlpiri clan, most of the community are keen to get on with things. Getting men re-engaged in the sport which unites the community is one priority, '12 months ago all these families were playing football together' Nicki Davies says.[23] Nicki Davies also has plans to start a music group for Yuendumu's residents to be able to express their emotions about violence through songs.

Now the community turns to long term solutions to avoid the temptation of lateral violence. Central Land Council's 'women's business' meetings, and the recent government consultations on the Northern Territory Emergency Response have given women the opportunity to come together again and plan for Yuendumu's future. Collaboration between the Northern Territory Department of Justice, police and community groups through the reporting system, meetings and workshops have built trust and confidence between the groups. They continue to work together co-operatively to ensure that young people experiencing and partaking in lateral violence can receive education and assistance in a culturally safe and secure environment.

Although it has faced big challenges in the past year, the talented and proactive families of Yuendumu are making progress, and the community continues to build on its strengths and promote the proud Warlpiri culture it is best known for. This is an excellent example, according to Eileen Deemal-Hall of 'what a community in crisis can achieve'.[24]

(ii) Solid Kids, Solid Schools

Yamatji communities, families and schools have been developing innovative ways to prevent bullying amongst young people. Led by Associate Professor Juli Coffin from the Combined Universities Centre for Rural Health (CUCRH), the Solid Kids, Solid Schools project has built up strong evidence about the experience of bullying amongst Aboriginal children, as well as developing new tools to prevent bullying.

Yamatji country is in the mid-west region of Western Australia and takes in the area from Carnarvon in the north, to Meekatharra in the east and Jurien in the South. This region covers almost one fifth of Western Australia. Of the nearly 10 000 students in the mid-west education District, nearly 20% of the students are Yamatji children and young people.[25]

The *Solid Kids, Solid Schools* project began in 2006. The project came out of the fact that while there is information on bullying of non-Aboriginal children, virtually nothing was known about the experience of bullying for Aboriginal children.

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[23] N Davies, *Phone communication with Social Justice Commissioner's Office,* 27 July 2011.
[24] E Deemal-Hall, *E-mail communication with Social Justice Commissioner's Office,* 12 July 2011.
[25] Solid Kids - Solid Schools - Solid Families, *Yamaji – People and Country*, www.solidkids.net.au/index.php/yamaji/ (viewed 23 September 2011).

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Solid Kids, Solid Schools is a joint project between the CUCRH, and Child Health Promotion Research Centre at Edith Cowan University. The project was funded by Healthway, an independent statutory body to the Western Australian Government that provides funding grants for health promotion activities. A further two years funding was also sourced from the Australian Research Council to help develop resources after the more formative work and research had been completed.

The *Solid Kids, Solid Schools* project became much more than just research. In consultation with the Yamatji communities, the *Solid Kids, Solid Schools* project had a strong brief to develop tools for addressing bullying, including a website, comic books and a DVD/teaching package based on the research undertaken.

Critical in developing this approach was the Aboriginal Steering Group made up of community leaders. The Aboriginal Steering Group was involved in each phase of the project and provided a link between the researchers and community which increased community ownership over the project. The *Solid Kids, Solid Schools* project is an example of best practice in conducting research with Aboriginal and Torres Strait Islander communities.[26] This also included the employment of several male and female Aboriginal research assistants to help make the interviews as culturally secure as possible.

During 2006 and 2007 around 260 people were involved in the *Solid Kids, Solid Schools* project through semi-structured interviews. Of these, 119 were primary school students, 21 were high school students, 40 were parents and caregivers, 18 were Elders and 60 were either Aboriginal teachers or Aboriginal and Islander Education Officers (AIEOs).[27] The participants came from a variety of schools in the regional towns, rural and remote areas in the mid-west. In the most part, the remote schools had up to 99% Aboriginal enrolment while the regional towns and rural areas had lower levels of Aboriginal enrolment.[28] The research also included Karalundi Aboriginal Education Centre, an independent boarding school for Aboriginal children from Kindergarten to Year 10, about 60km from Meekatharra.

Some of the results of the *Solid Kids, Solid Schools* project are discussed in Chapter 2 of this Report. The research showed without a doubt that bullying, and primarily intra-racial bullying, was a pervasive problem for Yamatji children, with serious consequences for their education and community life. I applaud the researchers in developing robust evidence, as well as such sensitive ways of hearing the experiences of children, families and AIEOs.

The research phase of the *Solid Kids, Solid Schools* project was just the starting point. In 2008 the *Solid Kids, Solid Schools* project ran community focus groups to

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[26] J Coffin, A Larson and D Cross, 'Bullying in the Aboriginal Context' (2010) 39 (1) *The Australian Journal of Indigenous Education* 77, p 79.
[27] J Coffin, A Larson and D Cross, 'Bullying in the Aboriginal Context' (2010) 39 (1) *The Australian Journal of Indigenous Education* 77, p 79.
[28] Solid Kids - Solid Schools - Solid Families, *About the Project*, www.solidkids.net.au/index.php/about/ (viewed 26 September 2011).

plan for sustainable school and community based bullying prevention programs. By 2009, the *Solid Kids, Solid Schools* project was able to incorporate all the feedback from the past three years to roll out the programs. The quality of community engagement and the creation of a culturally secure environment have meant that the voices of Yamatji children, young people, parents and AIEOs are reflected in the programs created through this process.

Solid Kids, Solid Schools website

The *Solid Kids, Solid Schools* website (www.solidkids.net.au) is a dynamic source of information about bullying, with pages tailored directly for children and young people ('Solid Kids'), parents and care givers ('Solid Families') and schools ('Solid Schools'). It incorporates artwork by Aboriginal artists, Jilalga Murry-Ranui and Allison Bellottie and promotes Yamatji culture.

The 'Solid Kids' web page has easy to read, age appropriate information including practical ways children and young people can get help with bullying. It also includes a game and a series of comics designed by a young Aboriginal woman, Fallon Gregory, which deal with issues around bullying.

As well as the comics, the website also provides a place for creative expressions on bullying. Text Box 4.4 is a poem, 'Diva Chat' by Nola Gregory, a well respected Aboriginal youth worker who offers education and support to children and young people in the Geraldton area.

Text Box 4.4: Diva Chat by Nola Gregory

Snide remarks and innuendo
Running rampant in our town
They say it's in the name of fun
To run somebody down
But it's not that funny to those out there
Who constantly put up with the crap
To have to wear your unkind remarks
When you sink as low as that

That diva chat they say it's great
And it's really cheap as well
They get on there and go to town
their stories they love to tell
but do you people realize
your hurting someone out there
with your unkind words and trash talk
do you give a damn, do you care

I don't know if you know this
But to be on diva chat
You have to be 18 years old
Did any of you know that
All it starts is trouble

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> In the end the fights will start
> So how about you stop and think
> Before you play your part.[29]

'Solid Families', provides practical advice about talking to children (4-12 years) and young people (13-20 years) about bullying, as well as ways of working with schools to address bullying. The information includes quotes from parents involved in the research and is empowering to parents.

'Solid Schools' includes information drawn from 'Sharing Days' held in Geraldton, Meekatharra, Shark Bay and Carnarvon in 2008, attended by AIEOs and Aboriginal teachers to discuss ways to support Yamatji children involved in bullying.[30] These 'Sharing Days' brought together great experience and wisdom about bullying and Aboriginal education more broadly and form the basis of the *Solid Kids, Solid Schools* approach to developing partnerships with Aboriginal families, schools and students.

As well as easy to read summary information and tips, the 'Solid Schools' section includes a comprehensive review of bullying and related issues. The review gets schools, including AIEOs and Aboriginal parents to critically and holistically look at whether or not the school is providing an environment where bullying is being addressed appropriately. The 10 areas of focus are:

1. solid school planning
2. solid school ethos
3. solid family links
4. solid understandings of cultural security
5. solid understandings about bullying
6. solid guidelines and agreements
7. solid management of bullying situations
8. solid classroom practice
9. solid peer support
10. solid school environment.

The review tools are not just specific to Yamatji children and could be used in any school community that includes Aboriginal and Torres Strait Islander children, particularly where there is evidence of bullying.

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[29] N Gregory, 'Diva Chat' in Solid Kids - Solid Schools - Solid Families, *Yarn Now! Comics*, www.solidkids.net.au/index.php/comic/ (viewed 20 September 2011).
[30] Solid Kids - Solid Schools - Solid Families, *Solid Schools,* www.solidkids.net.au/index.php/what_is/ (viewed 20 September 2011).

Educational DVD

A DVD, *We all Solid,* also helps to communicate the messages about bullying to Aboriginal children and young people. Again, the DVD is by and for the Yamatji children, youth and the wider community and reflects some of the main stories that were raised during the research. It is envisaged that the DVD will be widely distributed, making it a complementary education tool to the website.

Teaching package

A comprehensive teaching package aimed at middle to upper primary and high school ages up to year ten has also been developed to complement the DVD resource. It contains a mix of structured and semi-structured activities and workshop ideas for teachers, counsellors and youth workers for example in dealing with these issues.

Social marketing

The project has recently secured three years of funding from Healthway to develop social marketing tools for use with the wider community on the issues of bullying. This next phase involves developing some infomercials, print media and radio messages around the issues and implications of bullying.

The *Solid Kids, Solid Schools* project has been recognised for the contribution it has already made, winning the Outstanding Achievement Award for the Injury Control Council's Annual Community Safety Award in 2010. The project shows us what is possible when we hear what communities think about tough issues like bullying. Juli Coffin describes the impact of the project:

> Although our research is still a work in progress, we are beginning to see more clearly the picture of life faced by our [Yamaji] children within schooling and community settings… This information is just the beginning and it was only possible with the strength and support of the Yamaji community, [who are] already leaders in making things better for their kids.[31]

(c) Dispute resolution

In Chapter 2, I discussed how the process of colonisation undermined our traditional ways of resolving conflicts based on our complex customary laws. When thinking about lateral violence, it is important to never lose sight of the fact that our people managed to coexist for over 70 000 years before the Europeans arrived. This fact makes me confident that we can once again enjoy a life where conflict is properly managed and lateral violence does not rule our communities.

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[31] Edith Cowan University, Child Health Promotion Research Centre: Faculty of Compying, Health and Science, *Research Grants Awarded: Bullying and Aggression Prevention and Mental Health Promotion*, http://www.chprc.ecu.edu.au/research/bullying/reducing-bullying-aboriginal-ruralwa.php (viewed 30 September 2011).

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However, we can't just wind back the clock to the time before colonisation. Not all of our traditional dispute resolution processes will fit in today's world. We live in a world bound by the western legal system. This impacts on how we can resolve our conflicts. As the National Dispute Resolution Advisory Council (NDRAC) notes:

> In contemporary society, Indigenous people live in two overlapping worlds, the western and traditional, and neither is fully capable of dealing with disputes involving Indigenous people. Purely western models of dispute resolution are often incongruent with the culture of Indigenous people and fail to meet many of their needs. At the same time, European colonisation has weakened many traditional ways of resolving disputes between Indigenous people.[32]

Similarly, we also now face problems like alcohol abuse and indeed, lateral violence that did not exist before colonisation. Again the NDRAC notes that:

> [T]raditional structures may not be well equipped to deal with western problems, such as alcohol abuse. Weakened traditional processes are being confronted by new problems outside past experience.[33]

Alternative Dispute Resolution (ADR) has been identified as a potential for dealing with community conflicts. Text Box 4.5 provides a definition of ADR.

Text Box 4.5: What is Alternative Dispute Resolution?

The NDRAC defines ADR as:

> Alternative Dispute Resolution or ADR is usually an umbrella term for processes, other than judicial determination, in which an impartial person (an ADR practitioner) assists those in a dispute to resolve the issues between them. ADR is commonly used as an abbreviation for alternative dispute resolution, but can also mean *assisted* or *appropriate* dispute resolution. The main types of ADR are mediation, arbitration and conciliation…
>
> ADR processes may be *facilitative, advisory, determinative* or, in some cases, a combination of these. The ADR practitioner in a facilitative process, such as mediation, uses a variety of methods to assist parties to identify the issues and reach an agreement about the dispute. Advisory processes, such as conciliation or expert appraisal, employ a practitioner to more actively advise the parties about the issues and range of possible outcomes. A process can be selected to best suit a particular dispute.
>
> There is currently no comprehensive legislative framework for the operation of ADR in Australia. Many different laws govern the operation of ADR in the different Australian

[32] National Alternative Dispute Resolution Advisory Council, *Indigenous Dispute Resolution and Conflict Management* (2006), p 3. At http://www.nadrac.gov.au/www/nadrac/nadrac.nsf/Page/Publications_PublicationsbyDate_IndigenousDisputeResolutionandConflictManagement (viewed 23 September 2011).

[33] National Alternative Dispute Resolution Advisory Council, *Indigenous Dispute Resolution and Conflict Management* (2006), p 7. At http://www.nadrac.gov.au/www/nadrac/nadrac.nsf/Page/Publications_PublicationsbyDate_IndigenousDisputeResolutionandConflictManagement (viewed 23 September 2011).

jurisdictions.[34]

However, it is important to note that disputes or conflicts are never finally resolved, even with the best ADR processes in the world. In successful processes, conflict is transformed to something that both parties can live with, but it never truly goes away because individuals and communities have to live with the impact of the original conflict. Nonetheless, it is still important to put in place healthier ways of dealing with conflict through dialogue to prevent further impacts into the future.

ADR has been an area of research and program development with Aboriginal and Torres Strait Islander people since the 1990s. In particular, the *Solid Work You Mob Are Doing* report by the Federal Court studies a selection of promising ADR methods, including mediations in urban, rural and remote communities in a range of contexts including Community Justice Centres, Community Justice Groups and community controlled organisations.[35] They found that successful programs managed to bridge the divide between Western law and our cultural ways.

Dispute resolution has also been a focus of research in the native title system. More information about the dispute resolution developments and their connection to lateral violence can be found in the *Native Title Report 2011*.

The case studies that I will highlight here, the Mornington Island Restorative Justice Project and the Victorian Community Mediators, chart new ways forward in this complex intersection between Western law and customary law. While these projects come from very different places, they both create culturally safe places for conflict to be resolved. This is the 'pointy end' of lateral violence intervention. If we can start to resolve some of the feuds that have spanned generations, we can break the cycle of lateral violence. Importantly, these sorts of projects also prevent lateral violence through the creation of cultural safety and the reestablishment of our positive cultural norms.

(i) Mornington Island Restorative Justice Project

The Mornington Island Restorative Justice (MIRJ) Project is one of only a handful of ADR projects working specifically with Aboriginal and Torres Strait Islanders. The project tells the story of a remote community taking back control of how they handle conflict and progressively creating culturally safe places to address the consequences of lateral violence.

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[34] The National Alternative Dispute Resolution Advisory Council, *What is ADR?*, http://www.nadrac.gov.au/www/nadrac/nadrac.nsf/Page/What_is_ADR (viewed 23 September 2011).
[35] Federal Court of Australia's Indigenous Dispute Resolution & Conflict Management Case Study Project, *Solid Work you Mob are Doing: Case studies in Indigenous Dispute Resolution & Conflict Management in Australia*, Report to the National Alternative Dispute Resolution Advisory Council (2009). At http://www.nadrac.gov.au/www/nadrac/nadrac.nsf/Page/Publications_PublicationsbyDate_SolidWorkyouMobaredoingReport (viewed 23 September 2011).

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Mornington Island

Mornington Island is the largest Island in the Wellesley Island group, located in the lower Gulf of Carpentaria. The surrounding waters supports the ongoing hunting tradition and is an important component of family life and household economy. It is an extremely remote community, approximately 125km north-west of Burketown, 200km west of Karumba and 444km north of Mt Isa. Mornington Island is home to around 1 100 people.

The traditional owners of Mornington Island are the Lardil people. The Lardil people had limited contact with the outside world until the 1900s when a Uniting Church Mission was established on Mornington Island. As we have seen in the case study on Palm Island in Chapter 2, the creation of missions under the Aboriginal *Protection and Restriction of the Sale of Opium Act 1897* (Qld) saw other Aboriginal groups forcibly removed from their land and relocated to these mission and reserves. Consequently, Mornington Island is now also home to the Yangkaal, Kaiadilt and Gangalidda people.

Establishing cultural safety in the MIRJ

The MIRJ project was established in 2008. Initially funded by the Commonwealth Attorney-General's Department under the Indigenous Justice Program, it is managed by the Dispute Resolution Branch in the Queensland Department of Justice and Attorney General. Since July 2009 the Commonwealth and Queensland governments have funded the project jointly. It is still a pilot project and is yet to secure long term funding.

The MIRJ project is a mediation or peacemaking service that recognises and respects kinship and culture while still meeting the requirements of the criminal justice system. The objectives of the project are to:

- enhance the capacity of the community to deal with and manage its own disputes without violence by providing training, support, supervision and remuneration for mediators
- reduce Indigenous peoples' contact with the formal criminal justice system
- encourage community ownership of the program
- improve the justice system's responsiveness to the needs of the community
- increase the satisfaction with the justice system for victims, offenders, their families and the broader community.[36]

The development of the process is an important beginning in the story of the MIRJ project. The project only became operational in September 2009, following lengthy consultation and negotiation processes between 2008-2009. Around 200 community members, representing all the major groups on the Mornington Island, actively

[36] M Browning, *Interim Evaluation of the Mornington Island Restorative Justice Pilot Project*, Queensland Government (2011), p 1.

participated, as well as the other government and criminal justice stakeholders. The Project Manager, Phil Venables, sees the fact that an appropriate amount of time was allowed as crucial in building the trust and partnership with the community.[37]

As result of consultations, 28 Elders signed a document agreeing to the practice and procedures for the MIRJ project. Text Box 4.6 is from the document signed by Elders and explains what peacemaking is and what sorts of conflicts go to peacemaking.

Text Box 4.6: Peacemaking

Below is an extract from the process for mediation prepared with the Elders:

> Mornington Island Peacemaking will be run by respected Elders in partnership with the Mediation Coordinator for Mornington Island, Dispute Resolution Branch of the Department of Justice and Attorney General (Justice Department).
>
> It will be run according to the rules of mediation established by the Elders and the cultural protocols of the families who live on Mornington Island.
>
> If a mediator from the Justice Department is running the meeting with Elders it has the protection of a law called the *Dispute Resolution Centres Act*. This law allows the Justice Department to run mediations in Queensland.
>
> **What is Peacemaking?**
>
> Peacemaking is a meeting between two people or two families in conflict. Elders and the right family members help them to talk respectfully to each other to sort it out between themselves.
>
> It is not a community court where people are found innocent or guilty or get punished. It is where conflict is put right by agreement, where hurt is healed and relationships are restored.
>
> **What conflicts can go to peacemaking?**
>
> Most people sort out their own conflicts and don't need help. Peacemaking is for two people or two families who are in conflict and need help to sort it out.
>
> Most conflicts can go to peacemaking if both families are willing to sort out their conflict and put it right. However, when people are charged with serious offences or there is domestic violence, the Elders and Police agree that these are best dealt with by the courts and not by peacemaking.
>
> However, people who want to make their relationships better may agree to go for peacemaking to sort out other problems but violence in a relationship must be dealt with by the court.
>
> Peacemaking or mediation can help sort out disputes or fights over money, when property has been damaged, when people have been assaulted (but not seriously) [and excluding most family violence] or when there is jealousy and harmful talk being spread.

[37] P Venables and R Kelly, *The Mornington Island Restorative Justice Project- A partnership in peacemaking* (Paper for the Symposium on Indigenous Sentencing, Punishment and Healing, Cairns, 6 July 2011).

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Steps for Peacemaking

Step 1. Elders or the mediation coordinator are asked to sort out a conflict

Step 2. The right Elders go with the mediation coordinator consult with both families

Step 3. Decide to go ahead or call off the peacemaking meeting

Step 4. Help families get ready for peacemaking

Step 5. Set up the peacemaking meeting

Step 6. Conduct the peacemaking meeting

Step 7. Learning from the experience

Step 8. Keeping to the agreement.[38]

Establishing the rules was seen by the Elders as a way of connecting back with traditional ways of doing things. Ashley Gavenor, a prominent community member stated:

> You need rules [for peacemaking] just like the rules for sharing a turtle. Everyone knows what they are. The way back to those rules for peacemaking is by doing it every day. Then talk about it and get better at it. You just do it and do it and people will get used to it.[39]

It is also an attempt to reconcile western and tradition laws with one Elder describing the process:

> We will get our rules (for peacemaking) and show you what they are and you tell us your rules…then we can mix them up and make them strong together.[40]

Cultural safety has been the consistent theme during the MIRJ project, starting with the formative involvement of Elders and then the recruitment of four male and four female Elders as Mediation Support Officers. They are paid at the same level as all mediators in the Department of Justice. They are not required to have formal accreditation as mediators, recognising that their skill in mediation comes from their cultural background and ability to provide a culturally safe process for participants.

The MIRJ project draws significantly on cultural and kinship traditions. Nearly all mediations involve extended family. Project staff aim to give participants control over who are the appropriate people to attend. For example, the uncle known as Gagu (mother's eldest brother in Lardil language) has a traditional disciplinarian role. Their attendance at the mediation signals the importance of the meeting.

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[38] M Browning, *Interim Evaluation of the Mornington Island Restorative Justice Pilot Project,* Queensland Government (2011), Appendices pp 25-31.
[39] Dispute Resolution Branch, Project Overview- Mornington Island Restorative Justice Project, Department of Justice and Attorney General, *Information supplied to the Social Justice Commissioner's office*, 8 August 2011.
[40] Dispute Resolution Branch, Project Overview- Mornington Island Restorative Justice Project, Department of Justice and Attorney General, *Information supplied to the Social Justice Commissioner's office*, 8 August 2011.

Mediations do not just take place in the MIRJ office. A community member, Delma Loogatha describes some of the different locations:

> Some [mediations] are real traditional, where you go to the festival grounds traditional site for square up] or for safety, out front of the police station. Sometimes it is better for a quiet mediation at home.[41]

Successes of the MIRJ Project

The MIRJ project has now successfully dealt with 63 major conflicts. Of these, 28 related to family conflict, 20 were court referred victim-offender mediations and 15 dealt with conflict in other ways (not necessarily through a formal mediation).

Critical to the community support for the MIRJ project were early successes in resolving large and significant inter-family disputes. These mediation meetings involved 70 participants in one mediation meeting and 100 in another. This sort of crisis intervention helped to defuse the tension before it got further out of hand. Similarly, the fact that more than half of the referrals are being made by community members tells the story of the community acceptance and cultural safety created by the project.

Another measure of the confidence in MIRJ project is the willingness of courts to refer matters, including more serious assaults. In three recent cases where the prosecution had submitted for a custodial sentence, the Magistrate ordered a non-custodial sentence citing the defendant's successful participation in mediation as a reason for the decision. Similarly, of the 16 successfully fulfilled court ordered mediations, eight had their charges withdrawn by the prosecutor and eight received a reduced penalty because of their successful participation in mediation.[42]

Although the number of court ordered mediations is currently comparatively low, it is still an important step in creating diversion opportunities from the criminal justice system. Furthermore, it also makes offenders accountable to their victims and community and is focused on resolution of the issues, not just locking people up. The Elders have also expressed their appreciation that they have been able to have input in prosecution decisions to withdraw charges following successful completion of mediated agreements. This is seen as tangible support for the Elders efforts to strengthen their leadership in the community.

The MIRJ project is still only a pilot program and is yet to secure long term funding. Given the successes and amount of time and goodwill that both the community and Department of Justice and the Commonwealth Attorney-General's Department have invested so far, it is crucial that this project continues as a way of addressing lateral violence.

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[41] M Browning, *Interim Evaluation of the Mornington Island Restorative Justice Pilot Project*, Queensland Government (2011), p 8.
[42] Dispute Resolution Branch, Project Overview- Mornington Island Restorative Justice Project, Department of Justice and Attorney General, *Information supplied to the Social Justice Commissioner's office*, 8 August 2011.

The project is working in partnership with the community based Junkuri Laka Justice Association over the coming year to take over the coordination of mediation and provide more community ownership and sustainability. Work is continuing in relation to ongoing funding.

The MIRJ project shows us what communities, with assistance from government, can do to resolve conflicts. It also speaks to the inherent strengths of our people. Phil Venables, the project manager, reflects, 'much is made of grudges and payback but not much is made or people's capacity for forgiveness'.[43] We should never lose sight of the strength of forgiveness in addressing lateral violence.

(ii) Koori Mediation Model: The Loddon-Mallee pilot

Since the 1990s ADR programs for Aboriginal and Torres Strait Islander communities have been developed in a number of locations.[44] Although the Koori Mediation Model is not operational until October 2011, it is the first program of its kind to specifically address lateral violence.

Development of the Koori Mediation Model

The Koori Justice Unit, within the Vic DOJ's Community Operations and Strategy Branch, is primarily responsible for coordinating the development and delivery of Victoria's Aboriginal and Torres Strait Islander justice policies and programs across the Victorian Government and justice system, primarily the *Victorian Aboriginal Justice Agreement*. In April 2009, the Koori Justice Unit hosted a two-day seminar on lateral violence, as discussed earlier in this Chapter.

One of the specific outcomes of the April 2009 seminar, was the development of a Koori Mediation Model by the Courts and Tribunals, in conjunction with the Koori Justice Unit and Koori Caucus members. This was subsequently endorsed at the Aboriginal Justice Forum in May 2009. Koori mediation was identified as an important gap in existing services and a potentially effective response to lateral violence when it occurs in the community.

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[43] P Venables and R Kelly, *The Mornington Island Restorative Justice Project- A partnership in peacemaking* (Paper for the Symposium on Indigenous Sentencing, Punishment and Healing, Cairns, 6 July 2011).

[44] In Western Australia, a specialised Aboriginal Alternative Dispute Resolution Service was established in the early 1990s to focus on family feuds; Aboriginal and Torres Strait Islander dispute resolution services have also been established under the auspices of community mediation programs including the Indigenous mediation program in Queensland Dispute Resolution Centres and the Aboriginal Mediators Network in the NSW Community Justice Centres. See National Alternative Dispute Resolution Advisory Council, *Indigenous Dispute Resolution and Conflict Management* (2006), p 3. At http://www.nadrac.gov.au/www/nadrac/nadrac.nsf/Page/Publications_PublicationsbyDate_IndigenousDisputeResolutionandConflictManagement (viewed 23 September 2011).

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The next step was a workshop that was held on 13 August 2009. Jointly hosted by the Koori Justice Unit and the Alternative Dispute Resolution Directorate (ADRD), it provided an opportunity for members of the Koori Caucus to begin discussion on a Koori Mediation Model. The objectives of the meeting were to conceptualise what a Koori model of mediation might be, and to set a future direction.

On the strength of that work a pilot program was developed and funded for the Loddon-Mallee region.

The Loddon-Mallee pilot

The Loddon-Mallee area, in the north-west corner of Victoria, takes in the major rural centres of Mildura, Robinvale, Swan Hill, Echuca and Bendigo. The area has the second highest regional population of Aboriginal people in Victoria, making up 15% of Victoria's total Aboriginal and Torres Strait Islander population. The traditional owners of the Loddon-Mallee area are the Wamba-Wamba people.

The Loddon-Mallee area was chosen for the pilot due to the reported problems caused by lateral violence and receptiveness of local community organisations to the concept.

The pilot Koori Mediation Model in Loddon-Mallee is being driven by ADRD. It funds two full time Dispute Assessment Officer positions, based in Bendigo and Mildura (Identified Positions) and a Regional Manager.

It is envisaged that the holder of these positions will coordinate five local Lateral Violence community workshops/forums to raise awareness on lateral violence and to help identify local community members who may be interested in being trained in Koori mediation and conflict resolution. The workshops will be facilitated by Richard Frankland, who has had a leading role in running prior workshops, developing relevant resource materials and undertaking research in the area of lateral violence. The workshops will be run in the five main centres of the Loddon-Mallee region: Mildura, Robinvale, Swan Hill, Echuca and Bendigo.

When interested community people have been identified as potential Koori mediators, training will be provided in two models of response to lateral violence: (i) conflict resolution, and (ii) mediation. The conflict resolution approach is less formal and may enable situations to be defused without being taken further. The mediation approach is more structured, and is suitable for those needing a more formal process, or for situations where conflict resolution has not been sufficient.

Once trained, these people will function as a 'pool' of Koori mediators for the Loddon-Mallee region. The Dispute Assessment Officers will coordinate and support the mediators, and match them with the referrals that are received. A particular strength of this model is that due to the geographic spread of communities from which the mediator pool will be drawn, there should always be an independent mediator available, ie one who is not connected by kin, proximity or circumstance to the lateral violence incidents that will be referred to the service. It is also envisaged that the Dispute Assessment Officers will coordinate opportunities for peer support between the mediators.

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An expanded Koori Mediation Model: The vision for Victoria

If funds can be secured for a state-wide roll-out of the Koori Mediation Program, the ideal structure has been identified as follows:

- Several Dispute Assessment Officers in each region, at least one being a *dedicated position* to support the Koori Mediation Model.
- Capacity to provide *regular* lateral violence workshops in all locations, (rather than localised "one-offs" to get the program started). This would create a permanent community awareness-raising mechanism and enable new Koori mediators to be continuously identified to replace those who move on.
- Capacity to provide *ongoing* training and wraparound support to all mediators. This remains one of the most vital determinants of the quality of the program, because the value of the Koori Mediation Model to the community will depend upon the skill and sensitivity of the mediators themselves.

Now that the Dispute Assessment Officer positions have been filled, it is hoped that the Loddon-Mallee Koori Mediation Program pilot will commence in October 2011, and demonstrate how a community-driven response to lateral violence can improve the wellbeing and safety of Koori communities in Victoria.

(d) Healing and social and emotional wellbeing

Chapter 2 has discussed some of the ways the social and emotional wellbeing impacts of lateral violence are felt. At its most tragic extreme is the high level of suicide and suicide attempts in our communities, compared to the non-Indigenous population. The case study below, of the Family Empowerment Project in Yarrabah, was developed as a direct response to this increased risk.

Lateral violence requires healing approaches. The *Social Justice Report 2008* provides a detailed selection of case studies of community initiatives creating culturally safe healing spaces.[45] Many of these sorts of programs can help in healing the harm caused by lateral violence. Healing approaches also challenge negative stereotypes, making our culture strong and safe enough to prevent lateral violence.

The Family Empowerment Program in Yarrabah is a great example of a community generated program that focuses on the healing needs of participants. Although it was not set up to explicitly address lateral violence, by building conflict resolution skills, dealing with trauma, grief and loss and promoting strong culture, it attacks lateral violence on a number of fronts.

[45] T Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2008* (2009) Australian Human Rights Commission, pp 167-176. At http://www.humanrights.gov.au/social_justice/sj_report/sjreport08/index.html (viewed 23 September 2011).

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(i) The Family Wellbeing Program

The Family Wellbeing Program is a community led initiative implemented in Yarrabah responding to a spate of suicides and suicide attempts in the mid-1990s.[46] It empowers individuals and families to try and prevent suicide and increase social and emotional wellbeing. This can also help address lateral violence.

Yarrabah is a coastal community located approximately 50km south of Cairns. The Gunggandji and Yidinji people are the traditional owners of the lands around Yarrabah.[47] Yarrabah has a population of approximately 3 000 residents.

In 1892 a mission was established in Yarrabah leading to the forcible removal of many Aboriginal and Torres Strait Islander people from surrounding areas.[48] This has had long lasting consequences for the community of Yarrabah. For instance, the lack of adequate housing in Yarrabah has meant that that 'enemies often found that they had each other as neighbours'.[49]

Forcible removal of children from their families has also had a big impact on the community of Yarrabah with up to 80% of the population either members of Stolen Generations or descended from Stolen Generations members.[50]

Yarrabah has struggled with many of the same issues facing our communities, including family violence, alcohol abuse and unemployment but they have also courageously decided to tackle suicide and family wellbeing, despite the difficult circumstances.

Description of the Family Wellbeing Program

The Family Wellbeing program was first established in Adelaide by Aboriginal and Torres Strait Islander leaders who wanted to help our people deal with the

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[46] A McEwan, K Tsey and the Empowerment Research Team, *The Role of Spirituality in Social and Emotional Wellbeing Initiatives: The Family Wellbeing Program at Yarrabah*, Cooperative Research Centre for Aboriginal Health Discussion Paper No 7 (2009), p. 4. At .www.lowitja.org.au/files/crcah_docs/DP7_FINAL.pdf, (viewed 30 September 2011).
[47] K McKay, K Kolves, H Klieve and D De Leo, *Building Bridges: Learning from the Experts – Building bridges to implement successful life promotion and suicide prevention expertise across Aboriginal communities*, Centre for Rural and Remote Mental Health (2009), p. 12. At http://www.crrmhq.com.au/media/EvaluationReport-FINAL.pdf (viewed 30 September 2011).
[48] E Hunter, J Reser, M Baird and P Reser, *An analysis of suicide in Indigenous communities of north Queensland: the historical and symbolic landscape* (2001), p. 48. At http://www.health.gov.au/internet/main/publishing.nsf/content/mental-pubs-a-indigsui (viewed 30 September 2011).
[49] E Hunter, J Reser, M Baird and P Reser, *An analysis of suicide in Indigenous communities of north Queensland: the historical and symbolic landscape* (2001), p. 47. At http://www.health.gov.au/internet/main/publishing.nsf/content/mental-pubs-a-indigsui (viewed 30 September 2011).
[50] K McKay, K Kolves, H Klieve and D De Leo, *Building Bridges: Learning from the Experts – Building bridges to implement successful life promotion and suicide prevention expertise across Aboriginal communities*, Centre for Rural and Remote Mental Health (2009), p 12. At http://www.crrmhq.com.au/media/EvaluationReport-FINAL.pdf (viewed 30 September 2011).

transgenerational grief, loss and despair being experienced a result of colonisation.[51] Due to its success the program was adapted into other communities including Yarrabah.

The Family Wellbeing Program in Yarrabah grew out of consultation with Yarrabah community leaders who wanted to establish a program where they could pass on life skills and values in 'overcoming adversity and maintaining a strong sense of family in the face of hostile dominant culture'[52] as a means of suicide prevention. The Family Wellbeing Program in Yarrabah is run by the Gurriny Yealamucka Health Services.[53]

The program uses empowerment, capacity building, and conflict resolution to achieve better social and emotional wellbeing. [54] The Family Wellbeing Program focuses on:

- empowering participants
- life and relationship skills
- communication
- conflict resolution skills
- problem solving skills
- understanding and gaining control over conditions affecting participants lives
- social and emotional wellbeing.[55]

The Family Wellbeing Program in Yarrabah also has a strong focus on leadership skills that can be applied in community and family contexts.[56]

It employs activities such as walking groups, healing art camps, men's groups and recently a one-day men's forum on justice issues, as part of its holistic approach to

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[51] K Tsey, M Whiteside, M Haswell-Elkins, R Bainbridge, Y Cadet-James and A Wilson, 'Empowerment and Indigenous Australian Health: a synthesis of findings from Family Wellbeing formative research' (2010) 18(2) *Health and Social Care in the Community* 169, p 170-171.
[52] A McEwan, K Tsey and the Empowerment Research Team, *The Role of Spirituality in Social and Emotional Wellbeing Initiatives: The Family Wellbeing Program at Yarrabah*, Discussion Paper, No. 7, (2009), p. 15. At www.lowitja.org.au/files/crcah_docs/DP7_FINAL.pdf (viewed 30 September 2011).
[53] A McEwan, K Tsey and the Empowerment Research Team, *The Role of Spirituality in Social and Emotional Wellbeing Initiatives: The Family Wellbeing Program at Yarrabah*, Cooperative Research Centre for Aboriginal Health Discussion Paper No 7 (2009), p 4. At www.lowitja.org.au/files/crcah_docs/DP7_FINAL.pdf (viewed 30 September 2011).
[54] K Tsey, M Whiteside, M Haswell-Elkins, R Bainbridge, Y Cadet-James and A Wilson, 'Empowerment and Indigenous Australian Health: a synthesis of findings from Family Wellbeing formative research' (2010) 18(2) *Health and Social Care in the Community* 169, p 170-172.
[55] A McEwan, K Tsey and the Empowerment Research Team, *The Role of Spirituality in Social and Emotional Wellbeing Initiatives: The Family Wellbeing Program at Yarrabah*, Cooperative Research Centre for Aboriginal Health Discussion Paper No 7 (2009), p 4. At www.lowitja.org.au/files/crcah_docs/DP7_FINAL.pdf (viewed 30 September 2011).
[56] D Baird and D Miller, *Phone communication with the Social Justice Commissioner's Office,* 20 September 2011.

addressing the emotional and social wellbeing of its participants as well as lateral violence.[57]

The Family Wellbeing program also looks at grief, loss and trauma and ways of dealing with these issues.[58] The development of anger management skills, coping strategies, problem solving and conflict resolution skills, provides opportunities for individuals to become increasingly connected and minimise the divisions that colonisation has created within Aboriginal and Torres Strait Islander communities.[59]

The program provides participants with a culturally safe environment to discuss their experiences and reflect on their feelings, emotions and relationships. Darren Miller, co-ordinator of the Family Wellbeing Program in Yarrabah, states that participants have drawn on their own life experiences in sharing possible solutions in dealing with some of the issues around lateral violence. This process of healing, self-reflection and understanding is a powerful tool in combating lateral violence as it empowers participants to deal with life's challenges, manage family conflict[60] and identify the strength and resourcefulness they have as individuals and as a community.[61]

Men in the Yarrabah community have used the skills they have gained in the Program to lead and facilitate community events such as NAIDOC Week. They have assumed responsibility and become role models to Yarrabah's young people, passing on their knowledge, values, culture and traditions. As a result, young people in Yarrabah have become increasingly engaged in traditional and cultural activities such as camps, hunting and fishing. Young people in Yarrabah have also utilised the skills they have learnt in areas such as art and assisting in the design of programs.[62] These sorts of activities create cultural safety and cultural revitalisation in communities. The Family Wellbeing Program is showing that strong culture is a powerful way of preventing lateral violence.

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[57] D Baird and D Miller, *Phone communication with the Social Justice Commissioner's Office*, 20 September 2011.
[58] K Tsey, M Whiteside, A Deemal and T Gibson, 'Social determinants of health, the 'control factor' and the Family Wellbeing program' (2003) 11(1) *Australian Psychiatry* 34, p. 37.
[59] M Whiteside, K Tsey, J McCalman, Y Cadet James and AWilson, 'Empowerment as a Framework for Indigenous Workforce Development and Organisational Change', (2006) 59(4) *Australian Social Work* 422, p. 425.
[60] A McEwan, K Tsey and the Empowerment Research Team, *The Role of Spirituality in Social and Emotional Wellbeing Initiatives: The Family Wellbeing Program at Yarrabah*, Cooperative Research Centre for Aboriginal Health Discussion Paper No 7 (2009), p 7. At www.lowitja.org.au/files/crcah_docs/DP7_FINAL.pdf (viewed 30 September 2011).
[61] A McEwan, K Tsey and the Empowerment Research Team, *The Role of Spirituality in Social and Emotional Wellbeing Initiatives: The Family Wellbeing Program at Yarrabah*, Cooperative Research Centre for Aboriginal Health Discussion Paper No 7 (2009), p 12. At www.lowitja.org.au/files/crcah_docs/DP7_FINAL.pdf (viewed 30 September 2011).
[62] D Baird and D Miller, *Phone communication with the Social Justice Commissioner's Office*, 20 September 2011.

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Success of the Family Wellbeing Program

A number of studies have favourably evaluated the effectiveness of Family Wellbeing Program in increasing capacity and empowerment, improving social and emotional wellbeing and reducing violence in Aboriginal and Torres Strait Islander communities. The reported success of the Family Wellbeing Program in addressing these issues has made it one of the most sought-after and recognised Indigenous empowerment and skill development programs.[63]

David Baird, Chief Executive Officer, Gurriny Yealamucka Health Services Aboriginal Corporation, states that there is anecdotal evidence that the Family Wellbeing Program is helping participants change their lives. He reports participants giving up drinking, and smoking, staying out of jail and the criminal justice system and a reduction in family violence as evidence of the positive impact the Family Wellbeing Program is having on those that take part in it.[64]

Research studies have shown that participants in the program have reported an improvement in family relationships, increased connectedness with children and community, healthier lifestyles and being more at peace[65].

The resulting connectedness and empowerment has increased participants respect for self and others, self-reflection and awareness, hope and vision for a better future, self-care and healing, enhanced parenting, and capacity to deal with substance abuse and violence.[66]

Identity and spirituality were seen by many to be central in dealing with contemporary issues, such as lateral violence, facing Aboriginal and Torres Strait Islander communities.[67] One participant stated:

> Because all of our culture was taken away from us, there was no way of really keeping a clear picture of our spirituality. There are all different beliefs as well with the stolen generation (male participant, Yarrabah, 2005 data).[68]

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[63] K Tsey, M Whiteside, M Haswell-Elkins, R Bainbridge, Y Cadet-James and A Wilson, 'Empowerment and Indigenous Australian Health: a synthesis of findings from Family Wellbeing formative research' (2010) 18(2) *Health and Social Care in the Community* 169, p 170.
[64] David Baird and Darren Miller, *Phone communication with the Social Justice Commissioner's Office*, 20 September 2011.
[65] Empowerment and Indigenous Australian Health: a synthesis of findings from Family Wellbeing formative research, pp 174-175.
[66] K Tsey, M Whiteside, M Haswell-Elkins, R Bainbridge, Y Cadet-James and A Wilson, 'Empowerment and Indigenous Australian Health: a synthesis of findings from Family Wellbeing formative research' (2010) 18(2) *Health and Social Care in the Community* 169, p 176.
[67] A McEwan, K Tsey and the Empowerment Research Team, *The Role of Spirituality in Social and Emotional Wellbeing Initiatives: The Family Wellbeing Program at Yarrabah*, Cooperative Research Centre for Aboriginal Health Discussion Paper No 7 (2009), p 8. At www.lowitja.org.au/files/crcah_docs/DP7_FINAL.pdf (viewed 30 September 2011).
[68] K Tsey, M Whiteside, M Haswell-Elkins, R Bainbridge, Y Cadet-James and A Wilson, 'Empowerment and Indigenous Australian Health: a synthesis of findings from Family Wellbeing formative research' (2010) 18(2) *Health and Social Care in the Community* 169, p 174.

The program has helped participants to identify their strengths and in particular, the resourcefulness of the Stolen Generation in overcoming hardships.[69] This has enabled participants to take 'the necessary steps towards reasserting their identity'.[70]

The skills and healing gained from the Family Wellbeing Program has led some participants to be more active in the community.[71] Some participants have gone on to form networks that have addressed issues around health, school attendance, family violence, alcohol and drug misuse, and over representation of Aboriginal and Torres Strait Islander men in the criminal justice system.[72] This is where we see the ripple effects of healing and empowerment, with individuals taking responsibility to be part of the solution to some of the issues facing the community.

While the Family Wellbeing Program has made positive impacts in the lives of participants, it can't solve all the problems facing the community of Yarrabah. Issues around funding and structural disadvantage such as over-crowding and unemployment have to be addressed. Darren Miller adds that the program would reach its full potential with the introduction of complementary activities and programs.[73]

Nonetheless, the Family Wellbeing Program shows us how communities can confront complex problems by drawing on holistic healing methods which blends cultural renewal and spirituality with conflict resolution and other problem solving skills. Most importantly, it empowers participants because it is culturally safe, taking a zero tolerance approach to lateral violence.

4.4 Creating cultural competency

Having looked at some approaches that are addressing lateral violence at the community level, I will now look at the role of governments, NGOs and industry who work in our communities. This is necessary because nothing occurs in a vacuum. The way our communities operate will always be shaped and informed by external influences. These influences can either empower and support our communities or undermine them.

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[69] A McEwan, K Tsey and the Empowerment Research Team, *The Role of Spirituality in Social and Emotional Wellbeing Initiatives: The Family Wellbeing Program at Yarrabah*, Cooperative Research Centre for Aboriginal Health Discussion Paper No 7 (2009), p 7. At www.lowitja.org.au/files/crcah_docs/DP7_FINAL.pdf (viewed 30 September 2011).
[70] K Tsey, M Whiteside, M Haswell-Elkins, R Bainbridge, Y Cadet-James and A Wilson, 'Empowerment and Indigenous Australian Health: a synthesis of findings from Family Wellbeing formative research' (2010) 18(2) *Health and Social Care in the Community* 169, p 174.
[71] K Tsey, M Whiteside, M Haswell-Elkins, R Bainbridge, Y Cadet-James and A Wilson, 'Empowerment and Indigenous Australian Health: a synthesis of findings from Family Wellbeing formative research' (2010) 18(2) *Health and Social Care in the Community* 169, pp 174-175.
[72] K Tsey, M Whiteside, M Haswell-Elkins, R Bainbridge, Y Cadet-James and A Wilson, 'Empowerment and Indigenous Australian Health: a synthesis of findings from Family Wellbeing formative research' (2010) 18(2) *Health and Social Care in the Community* 169, p 176.
[73] D Baird and D Miller, *Phone communication with the Social Justice Commissioner's Office*, 20 September 2011.

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Given that this Report's purpose is to start a conversation, again this section is not exhaustive and requires further empirical research. However, the case studies and analysis, promote good practices that are occurring and identify key challenges to be addressed.

Governments, NGOs and industry cannot 'fix' lateral violence through intervention; this will only exacerbate the issue. Aboriginal and Torres Strait Islander relationships must be fixed ourselves, from within our communities. However, this does not absolve these external stakeholders of responsibilities to:

- remove the road blocks that inhibit Aboriginal and Torres Strait islander peoples from taking control
- refrain from actions and processes that divide us
- create environments where our cultural difference is respected and nurtured
- remove the structural impediments to healthy relationships in our communities.

To meet these responsibilities governments, NGOs and industry must be sufficiently culturally competent to act in accordance with Juli Coffin's model of cultural security that I outlined earlier in the Chapter. Under this model, cultural competency extends beyond individual awareness to incorporate systems-level change. The definition outlined in Text Box 4.7 encapsulates this breadth.

Text Box 4.7: Cultural competence

The National Health and Medical Research Council define cultural competence as:

> **Cultural competence** is a set of congruent behaviours, attitudes, and policies that come together in a system, agency or among professionals and enable that system, agency or those professions to work effectively in cross-cultural situations. Cultural competence is much more than awareness of cultural differences, as it focuses on the capacity of the health system to improve health and wellbeing by integrating culture into the delivery of health services.
>
> To become more culturally competent, a system needs to:
>
> - value diversity
> - have the capacity for cultural self-assessment
> - be conscious of the dynamics that occur when cultures interact
> - institutionalise cultural knowledge
> - adapt service delivery so that it reflects an understanding of the diversity between and within cultures.[74]

[74] National Health and Medical Research Council, *Cultural Competency in Health: A guide for policy, partnerships and participation* (2006), p 7. At http://www.nhmrc.gov.au/guidelines/publications/hp19-hp26 (viewed 12 September 2009). In text references excluded.

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A broad conception of cultural competency akin with Juli Coffin's model of cultural security does not occur just in the parts of an organisation responsible for Aboriginal and Torres Strait Islander policy and service delivery. Creating true cultural competency is an organisation-wide process. In regard to government service delivery, this requires building the capacity of all those involved in policy formation and implementation: from the Minister, through to policy makers right down to the on-the-ground staff who implement the policy.

(a) Moving towards cultural competency

The health services sector has produced a burgeoning body of research on the concept of cultural competency. Terry Cross' research in the United States has led to the development of a cultural continuum for mental health practitioners to increase their competence in working with minority populations.[75]

Tracey Westerman's research focusing on service providers working with Aboriginal youths at risk has validated this continuum in the Aboriginal and Torres Strait Islander context.[76] VACCA's *Aboriginal Cultural Competency Framework* which guides mainstream child and family services towards cultural competency also incorporates a continuum which is outlined below in Figure 4.1.[77]

Figure 4.1 – Cultural competence continuum[78]

[75] See T Westerman, Guest Editorial 'Engagement of Indigenous clients in mental health services: What role do cultural differences play?' (2004) 3(3) *Australian e-Journal for the Advancement of Mental Health* 1, p 2.
[76] T Westerman, Guest Editorial 'Engagement of Indigenous clients in mental health services: What role do cultural differences play?' (2004) 3(3) *Australian e-Journal for the Advancement of Mental Health* 1, p 2.
[77] The Victorian Aboriginal Child Care Agency, *Aboriginal Cultural Competency Framework*, Produced for the Victorian Government Department of Human Services (2008). At http://www.dhs.vic.gov.au/about-the-department/plans,-programs-and-projects/plans-and-strategies/children,-youth-and-family-services/aboriginal-cultural-competence-framework-2008 (viewed 9 September 2011).
[78] The Victorian Aboriginal Child Care Agency, *Aboriginal Cultural Competency Framework*, Produced for the Victorian Government Department of Human Services (2008), p 24. At http://www.dhs.vic.gov.au/about-the-department/plans,-programs-and-projects/plans-and-strategies/children,-youth-and-family-services/aboriginal-cultural-competence-framework-2008 (viewed 9 September 2011).

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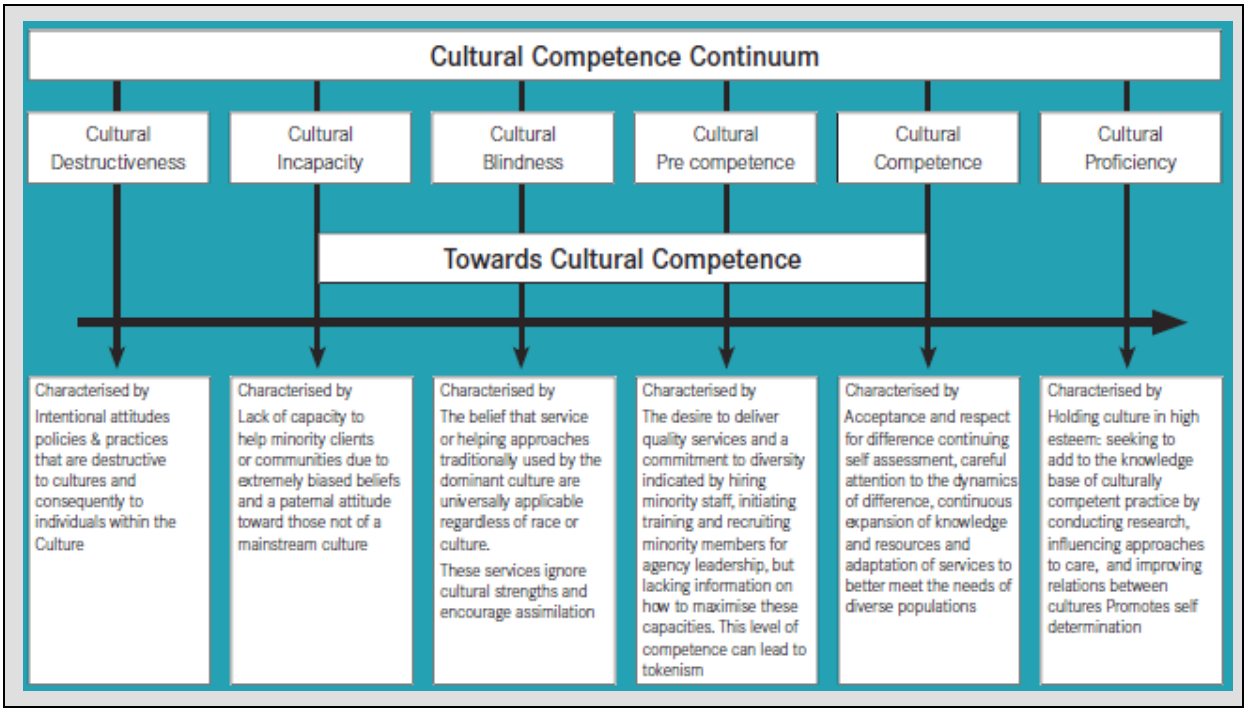

Similarly, Juli Coffin's model of cultural security also recognises that cultural competency is on a continuum. She argues that awareness and safety mechanisms need to be supported by brokerage and protocols to progress to cultural security.

Brokerage involves two-way communication where both parties are fully informed about the subject matter in discussion – this is consistent with the principle of free, prior and informed consent. Brokerage is about creating community networks between service providers and community members. Aboriginal and Torres Strait Islander staff employed by the service provider can play a crucial role as brokers to develop these networks. Text Box 4.8 provides an example from the *Solid Kids, Solid Schools* program of how AIEOs can broker networks.

Text Box 4.8: Aboriginal and Islander Education Officers as brokers

The *Solid Kids, Solid Schools* program outlines how AIEOs play an important role in developing relationships of trust between the Aboriginal members of the school community and the school, which is necessary to addressing bullying within schools.

AIEOs can be utilised as 'brokers' by:

- meeting with parents and carers at their home
- organising school events that celebrate Aboriginal culture (e.g. NAIDOC week activities)
- co-ordinating inter-sectoral collaboration (e.g. with local police)
- creating a friendly and welcoming area on the school grounds for Aboriginal students and parents and carers
- supporting Aboriginal students attending the school
- attending all meetings involving Aboriginal students and/or family members

with school staff (acting as a mediator when necessary).[79]

Networks and relationship building must be supported by protocols. Protocols are the strategies to formalise the fact that service delivery must be developed in consultation with the particular community.[80] Protocols include agreement on culturally informed practices that set rules for engagement with a particular community in relation to the delivery of services. Text Box 4.9 provides a practical example of a protocol.

Text Box 4.9: Protocols shaping service delivery

The example below, drawn from Juli's Coffin's work, is a protocol between midwives and an Aboriginal community. It indicates how protocols establish patterns of behaviour that meet the specific communities needs and internal processes for making decisions.

> After talking with the Aboriginal health worker, midwives discovered that the older ladies were the ones to speak to in relation to the young pregnant women. Now whenever anything with the young Mums arises there is an established point of contact to the older women first – thus an assurance is created for cultural security. Community leaders are made aware of the situation and involved. Community participation can then be progressed beyond just 'involvement'. Communities become partners in an equitable, culturally secure provision of service, This is the pathway to cultural security.[81]

In developing the cultural competency of an agency or organisation VACCA argues it is essential to remember that cultural competency:

- needs to be developed over time
- requires a whole-of-agency approach and be driven by strong leadership within the agency
- relies on respectful partnerships with Aboriginal and Torres Strait Islander organisations
- requires personal and organisational reflection
- is an ongoing journey and partnership with Aboriginal and Torres Strait Islander communities.[82]

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[79] Solid Kids - Solid Schools - Solid Families, *Solid Aboriginal staff*, http://www.solidkids.net.au/index.php/solid_schools/solid_school_staff/solid_aboriginal_staff/ (30 September 2011).
[80] J Coffin, Rising to the Challenge in Aboriginal Health by Creating Cultural Security' (2007) 31(3) *Aboriginal & Islander Health Worker Journal* 22, p 23.
[81] J Coffin, Rising to the Challenge in Aboriginal Health by Creating Cultural Security' (2007) 31(3) *Aboriginal & Islander Health Worker Journal* 22, p 23.
[82] The Victorian Aboriginal Child Care Agency, *Aboriginal Cultural Competency Framework*, Produced for the Victorian Government Department of Human Services (2008), p 54. At http://www.dhs.vic.gov.au/about-the-department/plans,-programs-and-projects/plans-and-strategies/children,-youth-and-family-services/aboriginal-cultural-competence-framework-2008 (viewed 9 September 2011).

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The key lesson that can be drawn from this body of literature is that creating cultural security through cultural competency is not something that an agency or organisation can simply purchase off a shelf. Cultural competency must be built over time through a deliberate process that seeks to build the capacity of the entire organisation, and this must be done in partnership with Aboriginal and Torres Strait Islander communities.

Next I further explore how cultural competency can create engagements that strengthen and empower Aboriginal and Torres Strait Islander communities.

(b) Hearing Aboriginal and Torres Strait Islander voices

In Chapter 2 I have already discussed how poor engagement processes can contribute to conditions that lead to lateral violence. In this section I will look at how governments, NGOs and industry can undertake their work with Aboriginal and Torres Strait Islander communities in a culturally secure manner to prevent lateral violence. First and foremost, they must ensure that they hear our voices. This is consistent with Juli Coffin's concepts of brokerage and protocols and requires effective engagement.

(i) The commitment to engage

There is a clear policy commitment across all governments in Australia to engage with Aboriginal and Torres Strait Islander peoples. The Council of Australian Governments' (COAG) *National Indigenous Reform Agreement* is the benchmark agreement for Indigenous policy activity in Australia and includes an Indigenous Engagement Principle.[83] This principle is outlined in Text Box 4.10.

Text Box 4.10: Indigenous Engagement Principle

The Indigenous Engagement Principle guides COAG in the design and delivery of Indigenous specific and mainstream services provided to Aboriginal and Torres Strait Islander people and in the development of national level agreements and reform proposals.

> *Indigenous engagement principle:* Engagement with Indigenous men, women and children and communities should be central to the design and delivery of programs and services. In particular, attention is to be given to:
>
> (a) recognising that strong relationships/partnerships between government, community and service providers increase the capacity to achieve identified outcomes and work towards building these relationships
>
> (b) engaging and empowering Indigenous people who use Government services, and the broader Indigenous community in the design and delivery of programs and services as appropriate

[83] Council of Australian Governments, *National Indigenous Reform Agreement*, http://www.federalfinancialrelations.gov.au/content/national_agreements/downloads/IGA_FFR_ScheduleF_National_Indigenous_Reform_Agreement_Feb_2011.doc (viewed 9 September 2011).

(c) recognising local circumstances

(d) ensuring Indigenous representation is appropriate, having regard to local representation as required

(e) being transparent regarding the role and level of Indigenous engagement along a continuum from information sharing to decision-making

(f) recognising Indigenous culture, language and identity.[84]

In addition, the Australian Government[85] has developed a framework for engagement with Aboriginal and Torres Strait Islander Australians, *Engaging Today, Building Tomorrow*.[86] More than 2 000 copies of this framework were distributed across Australian Public Service agencies since its release in National Reconciliation Week 2011.[87]

It is pleasing that the Australian Government has set their intention in this way and I will continue to monitor the performance of this engagement framework. However I am concerned about the implementation of these commitments. Words in a policy document aren't enough. Below I will look at how they can bring these good intentions to life and hear our voices in ways that don't further divide us.

(ii) Building the capacity to engage

Effective engagement is one of the key areas where governments must develop their competency if they are to work with us as enablers to address lateral violence. This challenge of effective engagement is not a new one. The inability of government to engage effectively with Aboriginal and Torres Strait Islander peoples has been subject to significant international scrutiny.[88] Toni Bauman has noted her continued concern with the way in which governments engage with Aboriginal and Torres Strait Islander peoples:

> The incapacity of governments to engage with Indigenous communities and arrive at meaningful, sustainable and owned outcomes through highly specialised skilled

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[84] Council of Australian Governments, *National Indigenous Reform Agreement*, Schedule D, http://www.federalfinancialrelations.gov.au/content/national_agreements/downloads/IGA_FFR_ScheduleF_National_Indigenous_Reform_Agreement_Feb_2011.doc (viewed 9 September 2011).

[85] The Australian Government has further displayed its commitment to engagement with Aboriginal and Torres Strait Islander peoples through the establishment of the representative body, the National Congress of Australia's First Peoples.

[86] Australian Government, *Engaging Today, Building Tomorrow: A framework for engaging with Aboriginal and Torres Strait Islander Australians* (2011).

[87] Department of Families, Housing, Community Services and Indigenous Affairs staff, *Email correspondence to Social Justice Commissioner's Office*, 14 September 2011.

[88] See for example: Committee on the Elimination of Racial Discrimination, *Concluding observations of the Committee on the Elimination of Racial Discrimination: Australia*, UN Doc CERD/C/AUS/CO/14 (2005), para 16. At http://www2.ohchr.org/english/bodies/cerd/cerds66.htm (viewed 5 September 2011); Committee on the Elimination of Racial Discrimination, *Concluding observations of the Committee on the Elimination of Racial Discrimination: Australia*, UN Doc CERD/C/AUS/CO/15-17 (2010), paras 16, 18. At http://www2.ohchr.org/english/bodies/cerd/cerds77.htm (viewed 5 September 2011).

> facilitation and participatory community development processes has troubled me for many years. The modus operandi of 'consultation' has mostly been one-way communication in 'meetings' in which talking heads drone on, poorly explaining complex information and concluding by asking: 'Everyone agree?'. The response: hands raised half-heartedly and barely perceptible nods. Outside the meeting, participants typically have little or no understanding of what they have agreed to, the possible repercussions of agreement, or the short-, medium and long-term resources available for implementation requirements.[89]

This type of engagement is not culturally secure. Echoing Coffin's research, Bauman continues to suggest that merely being aware of 'issues' that impact on Indigenous communities does not necessarily translate into 'skills of engagement and communication'.[90]

There is clearly a need for government to be 'up-skilled' in how it engages with Aboriginal and Torres Strait Islander communities. One way forward, as suggested by the Indigenous Facilitation and Mediation Project in the Native Title Research Unit at the Australian Institute of Aboriginal and Torres Strait Islander Studies is the use of procedural experts who:

> [C]ould assist government, other stakeholders and Indigenous communities in:
>
> - ensuring informed decision-making processes and greater co-ordination of a whole-of-government approach including native title agreement-making;
> - negotiating ways in which Indigenous people prefer to do business that match their local needs and in which they can secure equal partnerships with government representatives and other parties; and
> - ensuring that parties have what is required to enable them to negotiate effectively.[91]

These experts act as cultural brokers. In recognition of this need to increase cultural competency, the Indigenous Facilitation and Mediation Project recommended the development of a national network of highly trained process or engagement practitioners.[92] This is an idea that could be applied to other areas of policy and program development, in addition to native title.

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[89] T Bauman, ''You Mob All Agree?' The Chronic Emergency of Culturally Competent Engaged Indigenous Problem Solving' (2007) 6(29) *Indigenous Law Bulletin* 13, p 13.
[90] T Bauman, ''You Mob All Agree?' The Chronic Emergency of Culturally Competent Engaged Indigenous Problem Solving' (2007) 6(29) *Indigenous Law Bulletin* 13, p 14.
[91] T Bauman, *Final Report of the Indigenous Facilitation and Mediation Project July 2003-June 2006: research findings, recommendations and implementation*, AIATISIS (2006), p iv. At http://www.aiatsis.gov.au/ntru/docs/researchthemes/negmedfac/ifamp/IfampReport.pdf (viewed 9 September 2011).
[92] T Bauman, *Final Report of the Indigenous Facilitation and Mediation Project July 2003-June 2006: research findings, recommendations and implementation*, AIATISIS (2006), p 42. At http://www.aiatsis.gov.au/ntru/docs/researchthemes/negmedfac/ifamp/IfampReport.pdf (viewed 9 September 2011); T Bauman, ''You Mob All Agree?' The Chronic Emergency of Culturally Competent Engaged Indigenous Problem Solving' (2007) 6(29) *Indigenous Law Bulletin* 13, p 14.

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I agree with Bauman and the Indigenous Facilitation and Mediation Project, effective engagement requires developing skills such as communication, facilitation and negotiation that extends well beyond cultural awareness. In other words governments need to develop culturally competent procedural experts who can act as brokers to develop networks between an agency or organisation and the community.

Engagement also needs to be everyone's business. Cultural security cannot be created if effective engagement is restricted to expert brokers. The role of the broker is to assist in developing relationships, but all those who work with Aboriginal and Torres Strait Islander communities must be able to provide cultural security. These experts should help develop the competency within an agency, not simply shoulder the engagement burden.

(iii) Flexible and creative engagement

Governments must also be more flexible in the way they engage with Aboriginal and Torres Strait Islander communities. Culturally secure engagements are designed to recognise and respect Indigenous authority structures. This requires innovation and flexibility.

Text Box 4.11 highlights a unique governance model, the Fitzroy Futures Forum which I examined in detail in the *Social Justice Report 2010*.

Text Box 4.11: The Fitzroy Futures Forum

The Fitzroy Futures Forum is a governance body that has restructured the relationship between the Aboriginal people of the Fitzroy Valley in northern Western Australia, the broader non-Aboriginal residents and the three tiers of government. I would like to highlight three key strengths of the Fitzroy Futures Forum that are particularly pertinent:

- It enhances the local Aboriginal leadership by drawing a representative from each of the four main Aboriginal language groups in the Valley as a member of the Governing Committee.
- The Aboriginal members of the Governing Committee operate as an interface between governments and service providers and the Aboriginal communities in the Fitzroy Valley. From a policy and service delivery perspective the Fitzroy Futures Forum is the 'entry point'.
- It provides a platform for all members of the Fitzroy Valley to raise their concerns, aspirations and have their voices heard through soapbox sessions at quarterly community forums.[93]

Creative mechanisms for engagement are important if governments are to implement their policy commitments and build the cultural competency required for effective engagement. These processes must not only respect Indigenous authority structures

[93] M Gooda, Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2010*, Australian Human Rights Commission (2011), Chapter 3. At http://www.humanrights.gov.au/social_justice/sj_report/sjreport10/index.html (viewed 11 August 2011).

but also engage with the entire community to ensure they are not hijacked and used to inflame group divisions and tensions.

Effective engagement provides Aboriginal and Torres Strait Islander peoples with the opportunity to have real influence over decisions that impact on their community. Just as poor engagement creates a cycle of powerlessness, effective engagement creates a cycle of empowerment.

(iv) Raising awareness of lateral violence

In the previous section I've looked at what communities can do to raise the awareness of lateral violence. But there is also a role for government and other third parties to critically think about how they might contribute to lateral violence, albeit often unintentionally. This is an essential step to facilitate culturally secure environments and ways of working.

Text Box 4.12 explains how the Vic DOJ has supplemented their community awareness-raising of lateral violence with activities that have increased its profile within the bureaucracy.

Text Box 4.12: Department of Justice, Victoria

The Koori Justice Unit of the Vic DOJ first became aware of lateral violence in 2008. Since that time it has undertaken a range of activities in relation to lateral violence. Some of these have been designed to increase the awareness of lateral violence within the bureaucracy, including:

- A judicial cultural awareness training session on lateral and Indigenous family violence for the Judicial College of Victoria.
- Presentations on lateral violence have been made to the Vic DOJ Koori Staff Network which comprises all self-identified Aboriginal and/or Torres Strait Islander employees of the Vic DOJ.[94]

I commend Vic DOJ on these initial efforts and urge all other governments to start raising the profile of lateral violence within their departments and agencies. I would also encourage governments to review the ways in which government processes, engagements and policies might exacerbate lateral violence in Aboriginal and Torres Strait Islander communities.

Raising awareness of lateral violence within an organisation should not be confined to the Aboriginal and Torres Strait Islander employees. Chapter 2 clearly demonstrated that lateral violence is not just an Aboriginal and Torres Strait Islander problem. Government, and other external party, processes can and do contribute to conditions where lateral violence flourishes. It is important that non-Indigenous staff are receiving the same, if not more intense awareness-raising programs about lateral

[94] A Sculthorpe, *E-mail correspondence to Social Justice Commissioner's Office*, 17 August 2011.

violence and training about effective engagement than Indigenous employees. Governments and other external parties need to be aware of the way their processes can contribute to conditions that can lead to lateral violence. Without this, they will not be able to reform processes so that they help build cohesion in our communities.

What is required is a change in the organisational culture of governments, NGOs and industry. All staff must be self-reflective and check their behaviours as they work with our communities. This must occur at the senior management level of an organisation and flow down throughout it. This is essential to build a 360 degree view in our responses to lateral violence. If responses to lateral violence only focus on Aboriginal and Torres Strait Islander peoples we only get half, 180 degrees, of the picture. This will lead to limiting the success of these responses to lateral violence.

(v) Increasing an Indigenous presence within the government

In Chapter 3 I stressed that an Aboriginal or Torres Strait Islander person does not become any less Indigenous simply because they work in mainstream employment or a government department. The idea that they do is nonsensical. However, increasing the presence of Aboriginal and Torres Strait Islanders within an organisation can increase its cultural competency, providing that they are given the right support and the organisation is structured to work in partnership with our communities.

A strong Aboriginal and Torres Strait Islander presence where policy is being developed is important to help develop culturally attuned programs. Similarly our people must also have a strong presence where services are being delivered if cultural security is to be achieved in the implementation of services and programs. This was illustrated above in Text Box 4.8 that showed the important role of AIEOs to broker relationships between a school and an Aboriginal community in addressing bullying.

Increased Aboriginal and Torres Strait Islander presence within an agency or organisation can help it be more capable of effective and culturally secure engagements. It is common sense that our people when working for an agency or organisation will have a greater understanding of the nuances required, and the internal politics at play, to ensure engagements build cohesion rather than bring division. They will also be able to help promote trust between a community and an agency or organisation.

Increasing the presence of Aboriginal and Torres Strait Islander employment is one way in which governments can ensure they hear more of our voices in developing and implementing policies. However, this will only be the case if Indigenous employment is used to improve the partnership between communities and government and to facilitate the realisation of community outcomes and aspirations. If our employees are only used to implement imposed policy objectives that do not have the buy-in of the affected Aboriginal and Torres Strait Islander communities, they will be compromised and the cycle of lateral violence will start over again.

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I am not saying for a second that increasing Aboriginal and Torres Strait Islander employment is the silver bullet to resolve all government and third party capacity issues in relation to the way they engage with us.

If an organisation stops at recruitment, Aboriginal and Torres Strait Islander employees will be responsible for dealing with all things 'Indigenous' for that organisation. This will not help build cultural competency across the organisation and it will only serve to marginalise the Aboriginal and Torres Strait Islander employees and can contribute to staff burn out.

Without organisational change and capacity building, cultural competency is not achievable. However, increasing the numbers of Aboriginal and Torres Strait Islanders employed in agencies and organisations that work with us is a necessary step to progress towards this goal.

I am pleased that government agencies and private corporations across Australia through Reconciliation Action Plans and employment strategies are making concerted efforts to increase the number of Aboriginal and Torres Strait Islanders they employ.

The *Overcoming Indigenous Disadvantage Report 2011* highlighted some key success stories in improving Aboriginal and Torres Strait Islander employment. This is detailed in Text Box 4.13.

Text Box 4.13: 'Things that work' – Improving Indigenous employment

The *Overcoming Indigenous Disadvantage Report 2011* examined some programs that have been successful in improving Indigenous employment outcomes:

Rio Tinto Indigenous employment programs have helped increase the proportion of Indigenous employees in Rio Tinto's Australian workforce from 0.5 per cent in 1996 to the current level of 6 per cent. In partnership with community stakeholders, Rio Tinto's employment programs provide education, training and individual support programs such as mentoring, to help Indigenous employees overcome educational barriers.

Rio Tinto has tailored recruitment practices, including one and a half day assessment programs that provide applicants with feedback on their skill levels and guidance on the training they require to be employed. Rio Tinto has also been involved in Australian Government initiatives such as the National Indigenous Cadetship Project (NICP), and the Corporate leaders for Indigenous Employment program.

The Dean Rioli Aboriginal Employment program (Vic) is jointly funded by the Australian and Victorian governments. The program is based on partnership with the Indigenous community, industry, trade unions and governments, and aims to place 100 Indigenous young people in employment by 2012. The project currently has 129 registered participants, of whom 100 have been placed in full time employment. As of the December 2010 quarter, 57 participants had been engaged in 16 weeks continuous employment.

Gunbalanya Station and Meats (NT) is a pastoral business and meatworks being

developed by the Indigenous Land Corporation (ILC) through a 15-year agreement with Gunbalanya Meat Supply Ptd Ltd, the Arnhem Land Aboriginal Land Trust and the Northern Land Council. Gunbalanya receives cattle from ILC properties in the NT for the meatworks and finished cattle for live export. The meatworks also improve food security and health and wellbeing in the region through access to affordable fresh meat.

The business is currently in the establishment phase, and during 2009-10, 20 Indigenous people were employed in the pastoral and meatworks operations; 8 Indigenous staff participated in Certificate II in Agriculture, 9 in Certificate II in meat processing, 7 in saddle making school, 10 in horsemanship and knife sharpening courses and 20 in first aid.[95]

These case studies indicate that successful employment programs involve holistic strategies that build partnerships between the community and the employer.

Success stories are occurring within government departments and agencies as well. The work of Vic DOJ in creating an environment where sustainable increases in Koori employment have been achieved is particularly promising. In 2000, prior to the establishment of the Koori Recruitment and Career Development Strategy, Vic DOJ employed just four Aboriginal and Torres Strait Islanders. By the beginning of 2011 it employed 108 Aboriginal and Torres Strait Islanders. On numbers alone this is a fantastic outcome. I examine the efforts of Vic DOJ below in Text Box 4.14.

Text Box 4.14: Department of Justice, Victoria Koori Employment Strategy[96]

Vic DOJ is recognised as a leader in Aboriginal and Torres Strait Islander employment across the Victorian Public Service. This is the result of an ongoing and holistic process developed over time to create a culturally safe employment environment for Aboriginal and Torres Strait Islanders.

Koori Recruitment and Career Development Strategy

In 2000 the Koori Recruitment and Career Development Strategy (KRCDS) was established within Vic DOJ with the aim to achieve:

- a long term increase in the number of qualified Aboriginal and Torres Strait Islanders employed across all areas and at all levels of the justice portfolio
- similar increase of employment and qualifications of Aboriginal and Torres Strait Islanders in the funded sector of the justice system
- career development frameworks for Aboriginal and Torres Strait Islanders to undertake training and further education.

The KRCDS has been incredibly successful. Before it was established Vic DOJ employed

[95] Steering Committee for the Review of Government Service Provision, *Overcoming Indigenous Disadvantage: Key Indicators 2011*, Productivity Commission (2011) p 8.5. At http://www.pc.gov.au/gsp/reports/indigenous/key-indicators-2011 (viewed 19 September 2011). Note: In text reference removed.
[96] Department of Justice, Victoria, *Koori Employment Strategy 2011-2015* (2011).

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only four Aboriginal and Torres Strait Islanders, by January 2011 this figure had risen to 108.

Koori Employment Strategy 2011-2015

Kareeta Yirramboi, the Victorian Public Sector Employment & Career Development Action Plan 2010-2015 sets a 1% target for Aboriginal and Torres Strait Islander employment across the Victorian Public Sector by 2015. In response to this Action Plan Vic DOJ developed the *Koori Employment Strategy 2011-2015* which sets a higher target of 2.5% Aboriginal and Torres Strait Islander employment by 2015 (as of January 2011 it stands at 1.2%).

Vic DOJ recognises that the way in which the Department's stakeholders, systems and processes engage with Aboriginal and Torres Strait Islanders both internal and external to the Department will be integral to the strategy's success. Two key support teams endeavour to ensure this success; the Koori Employment Team (KET) and the Koori Justice Unit.

Koori Employment Team

KET has been established within People and Culture (P&C) as the central oversight mechanism for the coordination, monitoring and successful implementation of the *Koori Employment Strategy 2011-2015*. The core focus of KET is:

- build overall capacity of P&C to support *Karreeta Yirramboi*
- develop strong partnerships and synergies across all arms of P&C
- central coordination of achieving the 2.5% employment target set by the Secretary
- development of a communication strategy
- mandate and strengthen cultural competency across the department against the Victorian Government's Aboriginal Cultural Inclusion Framework
- work closely with business units, executive reporting lines and regional offices in achieving their employment targets
- provide support to Employment Programs in the implementation of recruitment programs
- provide support to Employee Relations, Employee Investigations and Workplace Relations to address any grievances that Aboriginal and Torres Strait Islander employees may experience in the workplace
- work with the Learning & Development Unit to increase the uptake of training programs undertaken by Aboriginal and Torres Strait Islander staff.

Koori Justice Unit

The Koori Justice Unit is primarily responsible for coordinating the development and delivery of Victoria's Koori justice policies and programs across the Victorian Government and justice system, primarily the Victorian Aboriginal Justice Agreement.

The Koori Justice Unit promotes the partnerships between the Koori community and government, by facilitating community engagement initiatives to build strong networks and

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enable wide participation in the delivery of Koori justice-related policies, programs and initiatives.[97]

Koori Pathways into Vic DOJ

Vic DOJ recognises that increasing Aboriginal and Torres Strait Islander employment is only sustainable when the work environment is 'Koori friendly'. There are a number of employment pathways and initiatives in the department, which will increase Aboriginal and Torres Strait Islander employment and Koori friendliness.

Identified and designated positions

The use of identified[98] and designated[99] positions reflects a strategic objective to identify and respond effectively to the needs of the Koori community through the development and delivery of culturally appropriate programs and services.

These positions within Vic DOJ require specific skills, with the occupant being required to have demonstrated knowledge and understanding of the Victorian Koori community, both society and culture and the issues impacting on it, and a demonstrated ability to communicate sensitively and effectively with members of the Victorian Koori community.

These positions provide an important source of recruitment of Aboriginal and Torres Strait Islander employees, who have the appropriate skills and knowledge to enable more effective development of the policy and delivery of programs and services to the Koori community.

Although identified and designated positions are useful in creating pathways for Aboriginal and Torres Strait Islanders into Vic DOJ, the strategy identifies the need to broaden employment opportunities for Aboriginal and Torres Strait Islander employees beyond Koori program areas.

Koori Friendly Vic DOJ

A workplace that values and respects the Koori community and culture is more attractive to Aboriginal and Torres Strait Islander job seekers. Improving cultural competency and making the department more culturally inclusive is critical.

Traditional government recruitment and selection processes can be daunting and unfamiliar, therefore Vic DOJ has implemented strategies to ensure recruitment and selection processes are more culturally appropriate in addition to encouraging and supporting Aboriginal and Torres Strait Islander applicants through each stage of the process. This will include:

- Tailored attraction campaigns – advertising through Koori media, a dedicated web page and at Koori community events.
- Selection practices – Koori friendly interview processes including the requirement of at least one Koori panel member on the selection panel.

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[97] Department of Justice Victoria, *Koori Justice Unit*, http://www.justice.vic.gov.au/wps/wcm/connect/DOJ+Internet/Home/About+Us/Our+Organisation/Business+Area+Profiles/JUSTICE+-+Koori+Justice+Unit (viewed 30 September 2011).

[98] Roles in which many or all of the duties involved the development and/or delivery of policy, programs and services which impact on the Victorian Koori community or involve interaction with the Victorian Koori community or their representatives: Department of Justice, Victoria, *Koori Employment Strategy 2011-2015* (2011).

[99] Roles in which all of the duties involved the development and/or delivery of policy, programs and services which impact on the Victorian Koori community or involve interaction with the Victorian Koori community or their representatives: Department of Justice, Victoria, *Koori Employment Strategy 2011-2015* (2011).

- Communication with potential employees and the Koori community – KET with the support of Koori Justice Unit will work to strengthen linkages between Vic DOJ and the Victorian Koori community.
- Communication with existing employees – Aboriginal and Torres Strait Islander staff networks provide critical support networks and an important link between Vic DOJ and the Koori community.

Koori Employment Action Plan

Vic DOJ has developed an action plan to implement its commitments in the *Koori Employment Strategy 2011-2015* it includes proposed timeframes, responsibilities and measures of success.

The achievements of the Vic DOJ reveal that the greater the cultural competency of an agency, the more inclined Aboriginal and Torres Strait Islanders will be to seek employment within that agency. This reveals the mutually reinforcing character of Indigenous employment and cultural competency and cultural security.

(c) Empowerment: Using a strengths-based approach

Adopting a strengths-based approach to working with our communities, is an effective way of reorienting government processes to ensure that they empower our communities.

(i) Building capacity through partnerships

Undertaking partnerships with Aboriginal and Torres Strait Islander communities and organisations can negate the tendency of governments to impose deficit-based approaches in policy and program delivery.

Evidence indicates that empowering partnerships lead to better outcomes. For example the Closing the Gap Clearinghouse suggests that a true partnership approach is the key to learning 'what works' in the Indigenous policy space.[100] Importantly the Clearinghouse also finds that external authorities imposing change is a key factor in what 'doesn't work'.

In the previous section I have discussed how the Vic DOJ has developed a partnership with Koori organisations in Victoria to undertake work on lateral violence, initially running workshops and producing an educational DVD. Text Box 4.15 looks at the further partnership between Vic DOJ, FaHCSIA and VACCHO for a longer term community education project.

[100] Closing the Gap Clearinghouse, *What works to overcome Indigenous disadvantage: Key learnings and gaps in evidence*, Australian Institute of Health and Welfare, Australian Institute of Family Studies (2011), p 2. At http://www.aihw.gov.au/closingthegap/documents/annual_papers/what_works_to_overcome_disadvantage.rtf (viewed 6 September 2011).

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Text Box 4.15: Community Education Project

Vic DOJ has now partnered with FaHCSIA and entered into a further agreement with VACCHO, to utilise the DVD in a Lateral Violence Community Education Project.

This Lateral Violence Community Education Project is in its early stages (funding agreement commenced June 2011) however will provide:

- a full time project officer at VACCHO
- development of a Lateral Violence Education Workshop (centred on the lateral violence DVD)
- delivery of 84 half-day Lateral Violence Education Workshops to Koori community organisations by July 2012
- development and delivery of 'train-the-trainer' training to approximately 30 community representatives (to allow the delivery of the workshops on an ongoing basis).

VACCHO, as the peak Koori health body, will deliver these workshops in partnership with its member Aboriginal Health Organisations located throughout Victoria. These organisations contain social and emotional wellbeing counsellors who can provide additional community support post-workshops and have a strong infrastructure and service-delivery environment to enhance the workshops.

The approach adopted by Vic DOJ is very encouraging. The Vic DOJ's role has been to enable the Koori community to undertake projects designed to address a community identified concern in lateral violence.

It is pleasing to see the Vic DOJ and FaHCSIA invest in projects and resources to allow the Koori community to address lateral violence. This partnership model will help counteract government processes that can exacerbate lateral violence. In this way it is both the content (lateral violence projects) and the process (partnership-based) that can help address lateral violence.

The other positive benefit of an effective partnership model is that it negates a deficit approach, as there is no external intervention imposing the lateral violence onto the community. The partnership approach should put the Koori community in the driving seat to address lateral violence and the programs are led and delivered by Koori organisations.

(ii) The school curriculum

There is another promising development at the moment that will promote strengths-based approaches. This is the drafting of a national school curriculum that is being undertaken by the Australian Curriculum, Assessment and Reporting Authority (ACARA).[101]

[101] The Australian Human Rights Commission has been actively involved in the public consultations on the draft curriculum. In particular it has recommended ways in which the human rights content of the

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It offers an opportunity to ensure all young Australians learn both about human rights and the unique and valuable place that Aboriginal and Torres Strait Islander peoples have in the nation.[102] Aboriginal and Torres Strait Islander children could learn positive stories about our culture and history, and to learn of the deeds of heroes like Jandamarra, William Cooper and Jack Patten. Incorporating these stories into the school curriculum will help build pride in our communities and cultures which can combat the negative stereotypes that reinforce powerlessness which in turn feeds lateral violence.

Embedding Aboriginal and Torres Strait Islander peoples' cultures, histories and heroes into the education system will promote our strengths both to our children and to the broader community. This can promote cultural safety and security. VACCA note that on the one hand it can enhance the resilience of our communities:

> [L]earning about culture and history of our resistance fighters and all the rest of it…give you knowledge of your background. I mean a lot of our community's lost because they don't have all this information but a lot of people don't have a foundation so I think language and history and that creates a foundation to build on.[103]

On the other hand they also suggest it will help confront negative stereotypes and racism within the broader community, the same stereotypes which we eventually turn in on ourselves:

> I think that one of the most destructive myths in Australia today is the idea that Aboriginal people have contributed nothing to this country. And I think it's this idea that festers in our national identity…feeding the national mistrust, racism and bitterness existing toward Aboriginal people today and is never spoken of or even acknowledged. Teaching our kids the actual contribution of Aboriginal people in this country today, past and present, would go a long way to rectifying this and would, I truly believe, foster real reconciliation.[104]

One of the pleasing aspects in ACARA's development of the national curriculum is that Aboriginal and Torres Strait Islander histories and cultures has been designated as one of the three cross-curriculum priorities that is to be integrated into each learning area.

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curriculum can be strengthened: See Australian Human Rights Commission, *Human Rights Education in the national school Curriculum: Position Paper of the Australian Human Rights Commission* (2011). At http://www.humanrights.gov.au/education/positionpaper/index.html (viewed 7 September 2011).

[102] See Australian Human Rights Commission, *National school curriculum and human rights education*, http://www.humanrights.gov.au/education/community_engagement.html (viewed 7 September 2011).

[103] R Frankland, M Bamblett, P Lewis and R Trotter, *This is 'Forever Business: A Framework for Maintaining and Restoring Cultural Safety in Aboriginal Victoria*, Victorian Aboriginal Child Care Agency (2010), p 70.

[104] R Frankland, M Bamblett, P Lewis and R Trotter, *This is 'Forever Business: A Framework for Maintaining and Restoring Cultural Safety in Aboriginal Victoria*, Victorian Aboriginal Child Care Agency (2010), p 69.

It will be important to ensure that this priority is meaningfully integrated into all learning areas of the Curriculum from the very early years of schooling to ensure our community and the wider Australian community learn about positive representations of Aboriginal and Torres Strait Islander peoples and culture, as well as the facts about the impact of colonisation on our community, from a very early age.

Embedding our cultures and histories across each area of the curriculum is a great stride forward and I am excited about the positive impacts that this will have within Aboriginal and Torres Strait Islander communities as well as the broader Australian public.

4.5 Future directions in addressing lateral violence

I have stressed throughout this Report that lateral violence is an emerging concept. The issues, concerns and conclusions that have been raised are preliminary only. There is a real need to build on the theoretical underpinnings of lateral violence and the supporting anecdotal evidence with action research.

With this need in mind, my office has partnered with the University of Sydney to undertake a research project into lateral violence. This project will build on the initial research and analysis that I have conducted as preparation for this year's Social Justice and Native Title Reports.

This research project will be led by Aboriginal and Torres Strait Islander scholars. I am excited that it includes a scholarship (the Campbell Weston Perry Scholarship) for a PhD for a suitably qualified and experienced Aboriginal and Torres Strait Islander person. I think it is a fantastic opportunity for one of our students to undertake research in this important and burgeoning area of the Indigenous policy space.

I will use my future Social Justice and Native Title Reports to report on the progress of this research and the emerging body of evidence that will be developed around lateral violence.

4.6 Conclusion

This chapter, in conjunction with Chapter 3, starts to shift the conversation from looking at the problem of lateral violence, to starting to talk about ways that we can develop solutions. I believe that if we all play our part, be it as individuals, families, organisations or governments and other third parties, we can start to turn the tide against lateral violence. The first step is simply saying 'enough is enough' and declaring a zero tolerance for this sort of abuse.

While this first step might seem simple enough we know that lateral violence is an entrenched and formidable foe. That is why I draw on the concepts of cultural safety and security to shape how we tackle lateral violence.

Cultural safety and security help create the positive, empowered environments where the problems of lateral violence can be solved. The case studies in this Chapter are

in no way exhaustive but nonetheless show just some of the different ways communities and government are already addressing lateral violence across a range of sectors. Given that we have only just started tackling this problem in earnest, it is very encouraging to see the achievements that these pioneering efforts have made. I am hopeful that we will see more resolve, creativity and action as the conversation about lateral violence continues.

This Chapter has also laid the ground work for the future research project on lateral violence between the University of Sydney and the Commission. I look forward to seeing some of the brightest Indigenous scholars develop an evidence base that will further shape our responses to lateral violence. I will be reporting on this research in subsequent Social Justice Reports.

Again, given that this is the beginning of our conversations around lateral violence, my recommendations reflect the need for greater research in this area. However, they also draw strongly on the implementation of the Declaration and the creation of cultural safety and security. I look forward to working with governments on these issues and will continue to monitor the implementation of these recommendations.

Recommendations

9. That further research is undertaken to develop the evidence base around lateral violence in Aboriginal and Torres Strait Islander communities. This research should be supported by the Australian Government.
10. That all governments ensure that their engagement, policies and programs are implemented in accordance with the *United Nations Declaration on the Rights of Indigenous Peoples*. In particular, this should occur with respect to the right to self-determination, the right to participate in decision-making guided by the principle of free, prior and informed consent, non-discrimination and respect for and protection of culture.
11. That all governments, working with Aboriginal and Torres Strait Islander peoples, conduct an audit of cultural safety and security in relation to their policies and programs that impact on Aboriginal and Torres Strait Islander communities.
12. That all governments, working with Aboriginal and Torres Strait Islander peoples, based on the audit of cultural safety and security, develop action plans to increase cultural competence across their government.
13. That all governments, working with Aboriginal and Torres Strait Islander peoples, conduct education and awareness-raising sessions on lateral violence for both Aboriginal and Torres Strait Islander and non-Indigenous staff.