



Access and Equity

RHETORIC OR REALITY?

**Report
of the
Inquiry
into the
Implementation
of the
Access and Equity
Strategy**

House of
Representatives
Standing Committee
on
Aboriginal and Torres
Strait Islander Affairs

NO. 15
1983

TABLE OF CONTENTS

Terms of Reference	vii
Membership of the Committee	vii
Conduct of Inquiry	viii
List of Recommendations	x
EXECUTIVE SUMMARY	xv
CHAPTER 1 - INTRODUCTION	
Reasons for the Inquiry	1
Approach Taken by the Committee	2
Previous Findings of the Committee	4
Royal Commission into Aboriginal Deaths in Custody	5
CHAPTER 2 - BARRIERS TO ACCESS AND EQUITY FOR ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE	
Language	11
Literacy	21
Culture	22
Cross-Cultural Training	25
Race	28
Design and delivery of programs and services	31
Older People	32
Women	38
Youth and Young People	43
CHAPTER 3 - THE STRATEGY AND ITS OUTCOME	
Detail of the Strategy	49
1992 Evaluation of the Access and Equity Strategy	51
The Role of the Office of Multicultural Affairs	52
Non-English Speaking Background	57

CHAPTER 4 - COMMONWEALTH, STATE, TERRITORY AND LOCAL GOVERNMENT RESPONSIBILITIES

Commonwealth Expenditure on Aboriginal Programs	65
Aboriginal and Torres Strait Islander Commission	67
Aboriginal Hostels Limited	73
Australian Broadcasting Corporation	74
Australian Bureau of Statistics	75
Australian Federal Police	75
Department of Employment, Education and Training	76
Department of Environment, Sport and Territories	77
Department of Foreign Affairs and Trade	78
Department of Health, Housing, Local Government and Community Services	78
Department of Immigration and Ethnic Affairs	78
Department of Industrial Relations	79
Department of Industry, Technology and Regional Development	80
Murray-Darling Basin Commission	80
Office of Multicultural Affairs	81
Public Service Commission	81
Department of Primary Industry and Energy	82
Department of Social Security	82
Telecom Australia	82
Trade Practices Commission	83
Other Departments	83
Departments which did not provide a submission	83
State and Territory Governments	85
Australian Capital Territory	86
New South Wales	87
Victoria	87
Western Australia	88
South Australia	88
Northern Territory	88
Tasmania	90
Queensland	90

CHAPTER 5 - WHAT DEPARTMENTS HAVE ACHIEVED IN RELATION TO ACCESS AND EQUITY

Department of Social Security	91
State governments	94
Co-ordination of Programs and Services	95
Background	95

National Commitment to Improved Outcomes in the Delivery of Programs and Services for Aboriginals and Torres Strait Islanders	96
Aboriginal Employment Development Policy (AEDP)	97
Aboriginal and Torres Strait Islander Commission	98
Specific Programs	99
Training for Aboriginals Program	99
Aboriginal Student Support and Parent Awareness Program (ASSPA)	100
Community-based Organisations	102
Health Services	104
Housing and Infrastructure and Local Government Services	110
CHAPTER 6 - CONCLUSION	117
LIST OF APPENDIXES	
APPENDIX 1	
Submissions	121
APPENDIX 2	
Public Hearings Held and Witnesses Heard	127
APPENDIX 3	
List of Exhibits	141
APPENDIX 4	
List of Informal Discussions and Field Visits	149
APPENDIX 5	
Access & Equity requirements as revised in 1989	155
APPENDIX 6	
Relevant Recommendations from the Royal Commission into Aboriginal Deaths in Custody Report, 1991	157

APPENDIX 7

Extract from a report of the Commonwealth/State Council on Non-English Speaking Background Women's Issues, <i>Blue collar and beyond</i>	159
------------------------------------------------------------------------------------------------------------------------------------------------	-----

APPENDIX 8

Extract from <i>Access and Equity guide for APS managers</i>	161
--------------------------------------------------------------	-----

APPENDIX 9

Aboriginal and Torres Strait Islander Services in the Department of Social Security	163
----------------------------------------------------------------------------------------	-----

APPENDIX 10

Recommendations of the <i>Access and Equity</i> <i>Evaluation Report 1992</i>	167
----------------------------------------------------------------------------------	-----

**HOUSE OF REPRESENTATIVES
STANDING COMMITTEE ON ABORIGINAL
& TORRES STRAIT ISLANDER AFFAIRS**

TERMS OF REFERENCE

To inquire into and report on the implementation of the Commonwealth's Access and Equity Strategy in relation to Aboriginal and Torres Strait Islander people.

Particular attention shall be given to:

- . the comprehensiveness of the Strategy;
- . outcomes achieved by the Strategy for Aboriginal and Torres Strait Islander people to date and expected outcomes to be achieved;
- . continuing barriers to access and equity;
- . the means of overcoming these barriers; and
- . future coordination between Commonwealth Departments and ATSIC especially at a regional level concerning ways in which Commonwealth Departments can contribute through the Access and Equity initiative to the achievement of the goals of the Regional Council Plans.

MEMBERSHIP OF THE COMMITTEE (37th Parliament)

Chair Mr Garrie Gibson, MP

Deputy Mr Garry Nehl, MP

Members Hon Bob Brown, MP
Mr Peter Dodd, MP
Mr Richard Evans, MP
Ms Marjorie Henzell, MP
Mr Bob Horne, MP
Mr Christopher Pyne, MP
Mr Les Scott, MP
Mr Barry Wakelin, MP

Secretary to the Committee Mr Allan Kelly

Inquiry Staff Mr Craig Dukes
Ms Penne Humphries
Mr Peter Ratas

LIST OF RECOMMENDATIONS

The Committee recommends that:

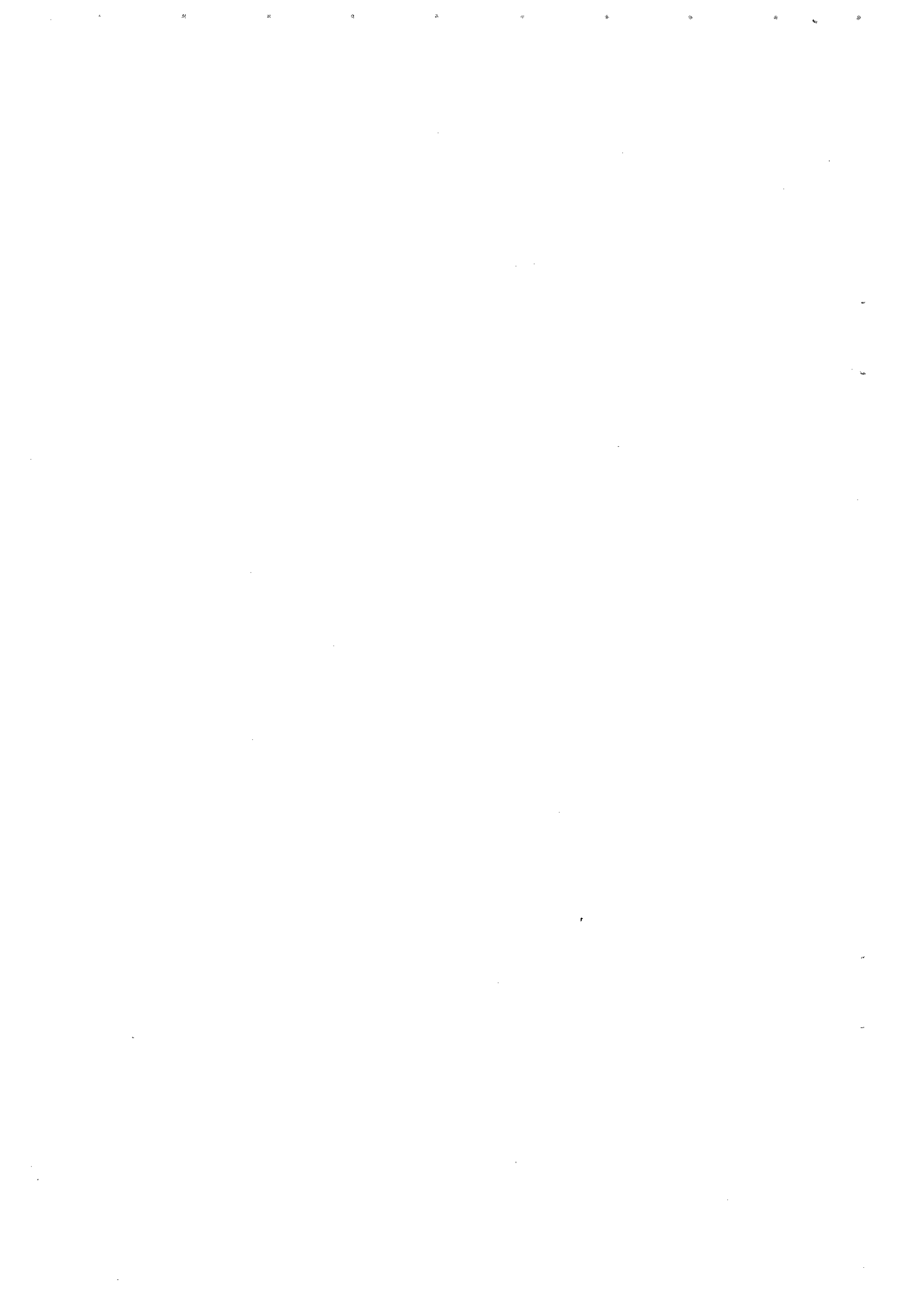
- 1 The Attorney-General ensures that his Department gives top priority to:
 - addressing the issues of access to interpreters in the Federal court system; (*Paragraph 2.20*)
 - 2 assisting Aboriginal and Torres Strait Islander people appearing in other jurisdictions to gain access to interpreters where needed; (*Paragraph 2.20*)
 - 3 ensuring Australia's international human rights obligations are being met within Australia. (*Paragraph 2.20*)
- 4 The provision of adequate interpreter services for Aboriginal and Torres Strait Islander people in courts and in government services be a major focus for the unit responsible for co-ordinating access and equity provisions for Aboriginal and Torres Strait Islander people across all government departments and agencies. (*Paragraph 2.28*)
- 5 The Commonwealth establish under ATSIC a separate national interpreter service for Aboriginal and Torres Strait Islander languages to ensure that people have reliable access to trained interpreters and translators. The service should be separately funded. Because of the number and geographic distribution of language speakers, a network service utilising existing Aboriginal and Torres Strait Islander language resources where possible, would be most appropriate. (*Paragraph 2.37*)
- 6 ATSIC give priority to the development of an interpreter network in association with the Department of Social Security. (*Paragraph 2.37*)
- 7 ATSIC ensures that its own staff are receiving the Linguistic Availability Performance Allowance where indigenous languages are used as part of their work. (*Paragraph 2.37*)
- 8 The Minister for Immigration and Ethnic Affairs ensures that Aboriginal and Torres Strait Islander language speakers have access to interpreter services through the Translating and Interpreting Service, by utilising the proposed Aboriginal and Torres Strait Islander interpreter network. (*Paragraph 2.37*)

- 9 The Department of Social Security take steps to ensure that in mass mail-outs to individuals, correspondence to remote Aboriginal or Torres Strait Islander communities is handled in a more appropriate way, to ensure that recipients with language or literacy needs are not disadvantaged. (*Paragraph 2.43*)
- 10 The unit responsible for co-ordinating the Access and Equity Strategy for Aboriginals and Torres Strait Islanders highlights the more successful techniques used by some agencies in addressing Access and Equity, to encourage other departments and agencies to implement such techniques. (*Paragraph 2.43*)
- 11 The Minister for Health ensures that, in financial arrangements with the States and Territories, the employment of adequate numbers of Aboriginal and Torres Strait Islander liaison officers within hospitals to ensure effective delivery of services, is guaranteed. (*Paragraph 2.49*)
- 12 Cross-cultural training be undertaken by all staff of Commonwealth departments and agencies at all levels including induction programs. (*Paragraph 2.64*)
- 13 Aboriginal and Torres Strait Islander people should be involved in the design and delivery of cross-cultural awareness training and courses. (*Paragraph 2.64*)
- 14 Cross-cultural awareness courses should be relevant to the particular region to reflect the cultural differences of the local Aboriginal and/or Torres Strait Islander people. (*Paragraph 2.64*)
- 15 The Minister for Health, Housing, Local Government and Community Services:
 - establish within his Department a unit responsible for designing and administering an Aboriginal and Torres Strait Islander aged care program; (*Paragraph 2.110*)
- 16 ensure that programs are developed in consultation with appropriate Aboriginal and Torres Strait Islander organisations which allow for the care of aged Aboriginal and Torres Strait Islander people in their own communities. Aboriginal and Torres Strait Islander staff should be involved in program design and in program administration, particularly field work. (*Paragraph 2.110*)
- 17 In co-operation with State and Territory Ministers:
 - ensure that culturally appropriate staff training requirements are developed for delivering aged care to Aboriginal and Torres Strait Islander people; (*Paragraph 2.110*)

- 18 . ensure that training is provided for Aboriginal and Torres Strait Islander health workers in culturally appropriate aged care and that due recognition be given to their important role in the care of older Aboriginal and Torres Strait Islander people, through award and classification structures. (*Paragraph 2.110*)
- 19 In implementing the *Access and Equity Strategy*, departments and agencies pay particular attention to the roles and needs of Aboriginal and Torres Strait Islander women, including their effective representation on policy making and consultative bodies. (*Paragraph 2.130*)
- 20 In co-operation with other Aboriginal and Torres Strait Islander organisations and Commonwealth and State Departments, ATSIC establish, as a matter of priority, a Youth Task Force, within its Central office to:
- . examine in detail and develop particular strategies required to tackle unemployment, homelessness, substance abuse and other issues affecting Aboriginal and Torres Strait Islander people under the age of 25; (*Paragraph 2.147*)
- 21 . co-ordinate the funding and implementation of these strategies across all levels, with ATSIC Regional Councils, other Aboriginal and Torres Strait Islander organisations and government departments and agencies. (*Paragraph 2.147*)
- 22 The co-ordination of the *Access and Equity Strategy* for Aboriginal and Torres Strait Islander people be separated from the Office of Multicultural Affairs and be established as a separate unit, with appropriate resources, under the responsibility of the Aboriginal and Torres Strait Islander Social Justice Commissioner of the Human Rights and Equal Opportunity Commission. (*Paragraph 3.25*)
- 23 The Aboriginal and Torres Strait Islander Social Justice Commissioner includes in his/her annual report to Parliament an evaluation of the access and equity performance of departments and agencies in relation to Aboriginal and Torres Strait Islander people. (*Paragraph 3.25*)
- 24 The Public Service Commission remove the provisions in its *Equal Employment Opportunity Strategy* which discriminate against Aboriginals and Torres Strait Islanders from a non-English speaking background. (*Paragraph 3.39*)
- 25 The Public Service Commission take steps to ensure that the term *Non-English Speaking Background* is used appropriately and in a non-discriminatory way throughout the Australian Public Service. (*Paragraph 3.39*)

- 26 That subsection 7(i) of the *Public Service Act 1922* be amended to cover all people of a non-English speaking background and their children, including Aboriginal and Torres Strait Islander people. (*Paragraph 3.39*)
- 27 The Prime Minister seeks adoption by the Council of Australian Governments of the Access and Equity Strategy for Aboriginal and Torres Strait Islander people within each State and Territory and also seeks the implementation of the co-operation and co-ordination in the delivery of services to Aboriginal and Torres Strait Islander people, as already agreed to at the Council's meeting in December 1992. (*Paragraph 4.26*)
- 28 That the publication *Social Justice for Indigenous Australians*, which is published at the time of the Federal Budget each year, be expanded to include not only details of total government outlays on Aboriginal and Torres Strait Islander services but also an evaluation of the effectiveness and utilisation of these programs, including their inter-relationships with mainstream government services. (*Paragraph 4.26*)
- 29 The unit responsible for co-ordinating the Access and Equity Strategy as it relates to Aboriginal and Torres Strait Islander people ensures that Regional Councils are fully consulted by all Government departments and agencies on the planning, design and delivery of their programs and services, to achieve much greater co-ordination and to maximise competent community input and effective, properly targeted delivery. (*Paragraph 4.26*)
- 30 Departments and agencies should develop internal consultative mechanisms to address Access and Equity for Aboriginal and Torres Strait Islander people and where advice is necessary on the development of these structures, they should approach the Aboriginal and Torres Strait Islander Commission. (*Paragraph 4.26*)
- 31 The Auditor-General in conducting program audits include an examination of compliance with the Access and Equity Strategy, particularly to ensure that Aboriginal and Torres Strait Islander issues are being addressed. (*Paragraph 4.101*)
- 32 The Minister for Employment, Education and Training should ensure that:
- . funding is provided to enable provision of State and Territory Offices of DEET additional advisory field staff to work with ASSPA Committees, assisting parents to achieve the aims of the program, and to counsel school administrative personnel on their appropriate relationship with ASSPA committees. (*Paragraph 5.57*)
- 33 . DEET State offices tighten approval procedures to ensure that all expenditure by ASSPA Committees is consistent with the Program guidelines. (*Paragraph 5.57*)

- 34 The Commonwealth should ensure that the Medicare Agreements with State/Territory Governments contain specific reference to the process of co-operation and co-ordination with Aboriginal and Torres Strait Islander community organisations and ATSIC at a regional and state level, to achieve more effective and efficient delivery of health services, responsive to the needs of local Aboriginal and Torres Strait Islander communities. (*Paragraph 5.92*)
- 35 It should be a requirement that each regional health authority, where appropriate, establish an Aboriginal and Torres Strait Islander Consultative Committee to co-ordinate greater input by local communities into the management, operation and delivery of public health services in each region. (*Paragraph 5.92*)
- 36 The House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs becomes a joint standing committee of the both Houses of the Federal Parliament:
- among other matters, the Joint Standing Committee should automatically have referred to it for review, the annual report of the Aboriginal and Torres Strait Islander Social Justice Commissioner, the annual report on the implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody, and the annual report on the Access and Equity Strategy as it relates to Aboriginal and Torres Strait Islander affairs, if not already covered in the above reports; (*Paragraph 6.20*)
- 37 the House of Representatives members of this Joint Standing Committee should be appointed using the same formula as the existing standing committee. In addition, there should be two Senators each, from the Government and the Opposition, together with a third Senator from the minor parties or independents. (*Paragraph 6.20*)



EXECUTIVE SUMMARY

Government services should be available to all Australians who are entitled to them regardless of race, religion, language or culture. This is one of the main principles of the Commonwealth's Access and Equity Strategy. Access and Equity policy recognises that while some services may be universally applicable, they may not be equally accessible if they are uniformly designed and delivered.

This lack of access to mainstream programs and services is a problem that particularly affects Aboriginal and Torres Strait Islander peoples. One of the major barriers that Aboriginal and Torres Strait Islander people face in gaining access to, and equity in, the range of government services is that services do not cater for the differing needs and circumstances of Aboriginal and Torres Strait Islander peoples.

The Committee was concerned that the Access and Equity Strategy had been in existence since 1985, and has included Aboriginal and Torres Strait Islander peoples as target groups since 1989, yet had still to achieve any significant outcomes for Australia's most disadvantaged and dispossessed groups of people.

The Committee believed it important that the views of Aboriginal and Torres Strait Islander peoples, at the grass roots level, were taken into account. The Committee travelled across Australia, talking to a wide range of community organisations and Regional Councils to hear of the problems their members face and to identify where improvements have occurred.

Barriers to Access and Equity

The discussions held by the Committee confirmed that there are still considerable barriers for Aboriginal and Torres Strait Islander peoples in gaining full access and equity in the range of government services available.

These barriers include racism, language, culture, inappropriately designed and delivered services and a lack of services in many areas.

Certain groups of Aboriginal and Torres Strait Islander people also face particular additional disadvantage. These include women, older people, people with disabilities and youth. The Committee heard much evidence that these groups of Aboriginal and Torres Strait Islander people are extremely disadvantaged with respect to government services. They present real challenges for service deliverers to adequately address their special needs and circumstances.

Ignorance among the wider community of the diversity of Aboriginal and Torres Strait Islander cultures and traditions is still a major barrier facing Aboriginal and Torres Strait Islander people. This ignorance is reflected in the political and government structures for service provision. The Committee has placed considerable emphasis on the development of cross-cultural awareness courses within all departments and agencies to give an understanding of the different needs of Aboriginal and Torres Strait Islander peoples.

Co-ordination of Programs and Services

The co-ordination of programs and services to Aboriginal and Torres Strait Islander peoples and communities is still an area of considerable concern to the Committee. A greater effort is needed from all levels of government to improve co-ordination of services especially in light of the Commonwealth Heads of Government commitment in December 1993 to improve outcomes in the delivery of programs and services for Aboriginal and Torres Strait Islander peoples.

Government agencies must also ensure that their programs and services are designed to take into account the different needs of Aboriginal and Torres Strait Islander peoples throughout Australia.

Outcomes of the Access and Equity Strategy

As mentioned, the Access and Equity Strategy is yet to have a significant impact for Aboriginal and Torres Strait Islander peoples. The Committee was critical of the way in which the Office of Multicultural Affairs has handled the Access and Equity Strategy in respect of Aboriginal and Torres Strait Islander peoples. The Committee found this Office to be unsuitable to be the co-ordinating agency responsible for Aboriginal and Torres Strait Islander aspects of the Strategy.

Achievements in Access and Equity

The Department of Social Security (DSS) has made considerable advances in access and equity for Aboriginal and Torres Strait Islander peoples. The DSS has introduced a number of important measures to ensure that Aboriginal and Torres Strait Islander people receive their correct entitlements. It was almost universally accepted that there is a strong commitment by DSS to achieving access and equity for Aboriginal and Torres Strait Islander peoples.

This Inquiry confirmed the findings of the Evaluation of the Access and Equity Strategy undertaken by the Office of Multicultural Affairs, that policy oriented departments such as Treasury and Prime Minister and Cabinet are still to find meaningful applications for the Access and Equity Strategy.

The Future of Access and Equity

The Committee has recommended that the co-ordination of the Access and Equity Strategy for Aboriginal and Torres Strait Islander people be separated from the Office of Multicultural Affairs and be established as a separate unit, with appropriate resources, under the responsibility of the Aboriginal and Torres Strait Islander Social Justice Commissioner of the Human Rights and Equal Opportunity Commission.

In the formulation of policies and programs, and in the delivery of services to Aboriginal and Torres Strait Islander peoples, departments and agencies need to take into account the special needs and circumstances of Aboriginal and Torres Strait Islander peoples.

The Committee was seriously concerned about the inadequate provision of essential services, such as water, electricity and sewerage to many Aboriginal and Torres Strait Islander communities. In many instances, funding for Aboriginal and Torres Strait Islander affairs is being used to provide services that should have been provided by mainstream agencies, instead of being used to address Aboriginal and Torres Strait Islander disadvantage and promoting self-management.

The most urgent area that needs to be addressed, in the Committee's view, is in the provision of health services to Aboriginal and Torres Strait Islander peoples. There needs to be a more concerted effort, not only in providing adequate and appropriate health services, but also to addressing the reasons for the poor state of health of many Aboriginal and Torres Strait Islander people.

CHAPTER 1

INTRODUCTION

Reasons for the Inquiry

1.1 The Access and Equity Strategy began in 1985 as a policy response by the Commonwealth to improve service provision for migrants of a non-English speaking background. In 1989 the Strategy was extended to include all groups who may face barriers of race, religion, language or culture including Aboriginal and Torres Strait Islander peoples and children of migrants from non-English speaking backgrounds.

1.2 The Access and Equity Strategy is part of the Commonwealth Government's Social Justice Strategy. The four social justice principles are:

- . *equity* ensuring that economic benefits are distributed equitably;
- . *access* ensuring that access to Government programs is fair and equal;
- . *participation* ensuring that all Australians have the opportunity to participate in personal development, community life and decision-making; and
- . *equality* ensuring that everyone has the same civil, legal and industrial rights.

1.3 Being treated equally does not provide equal access where significant differences exist. Services which are universally applicable may not be equally accessible if they are uniformly designed and delivered. The main focus of the Strategy is to provide equal access to government services for all residents of Australia particularly where people face barriers of race, religion, language or culture. It is about ensuring the rights and entitlements that all Australians should be expected to enjoy. The Strategy applies across all Commonwealth Departments and agencies including Commonwealth programs delivered by state and territory governments.

1.4 During 1991-92 the Office of Multicultural Affairs conducted an evaluation of the Access and Equity Strategy. This evaluation found that although the Strategy had been successful in some areas and that considerable progress had been made, the barriers to access and equity were inclined to be more marked and resistant to erosion in the case of Aboriginal and Torres Strait Islander peoples. The Evaluation

Report¹ also concluded that particular attention needs to be paid to the provision of services to Aboriginal and Torres Strait Islander peoples and especially those living in urban areas.

1.5 The Evaluation of the Access and Equity Strategy also found that the extent of co-operation and co-ordination between departments and agencies was often limited. This is of particular concern to the Committee as the co-ordination between Departments and agencies is vital to the effective and efficient delivery of services to Aboriginal and Torres Strait Islander peoples, particularly bearing in mind the role and functions of the Aboriginal and Torres Strait Islander Commission (ATSIC).

1.6 The Committee believes that this Strategy which has been in existence since 1985, and has included Aboriginal and Torres Strait Islander people as a target group since 1989, is yet to make any significant impact in achieving its aims for indigenous people. It is also concerned that there are still significant barriers that Aboriginal and Torres Strait Islander people face in the delivery of government services and programs.

1.7 The Inquiry was referred to the Committee by the Minister for Aboriginal and Torres Strait Islander Affairs. The Minister shared the Committee's concern that the Access and Equity Strategy did not have significant outcomes for Aboriginal and Torres Strait Islander peoples who still experienced major problems accessing and gaining an equitable share of government services intended for all Australians.

Approach Taken by the Committee

1.8 The Access and Equity Strategy as it applied prior to this Inquiry was designed as a 'top down' measure to change management cultures. The Evaluation of the Access and Equity Strategy found that the Strategy had not been effective in filtering down to Australian Public Service (APS) staff at the client interface.²

1.9 The Committee was concerned to determine the extent of APS staff knowledge about the Access and Equity Strategy and, more importantly, the effectiveness of the implementation of the Strategy as it affects people at the local 'grass roots' level.

1.10 The Committee recognised the importance of local Aboriginal and Torres Strait Islander community organisations for their direct knowledge and experience of government service delivery in their communities and actively sought the views of as many of these organisations as possible. A representative cross-section of the

¹ Department of the Prime Minister and Cabinet, Office of Multicultural Affairs, *Access and Equity Evaluation Report 1992*, AGPS, Canberra, October 1992

² *Access and Equity Evaluation Report 1992*, p5

Aboriginal and Torres Strait Islander population was achieved in the Committee's program of visits around Australia.

1.11 The importance of the Regional Council structure set up under the *Aboriginal and Torres Strait Islander Commission Act 1989* was also taken into account and wherever possible when travelling the Committee met with local Regional Councillors to discuss Access and Equity issues.

1.12 It was also considered important that the Inquiry be completed within a limited time span so that identified problems could be acted upon by departments and agencies to improve outcomes for Aboriginal and Torres Strait Islander people as soon as possible.

1.13 The Office of Multicultural Affairs Evaluation also found that:

*Cultural Barriers were found to represent the greatest obstacle to Access and Equity for Aboriginals and Torres Strait Islander peoples. In Geraldton it was pointed out that government services were not oriented towards the needs of Aboriginal individuals and communities, but rather based on white systems and values. Cultural constraints meant that Aboriginals tended to use services less than non-Aboriginal people, perceiving them not to be intended for their use.*³

1.14 The Evaluation Report pointed out that Aboriginals had experienced negative or apparently discriminatory treatment from government staff to a much greater extent than migrants.⁴

1.15 The Committee examined the comprehensiveness of the Access and Equity Strategy, particularly how widely the Strategy was known and also what barriers Aboriginal and Torres Strait Islander people continue to face in gaining access to, and equity in, the range of government services. The Committee notes that individual clients do not need to know of the existence of the Strategy to benefit from it, although community organisations should be aware of the Strategy through consultations on service delivery.

1.16 The Committee considers that the Access and Equity Strategy is a very important vehicle for ensuring that Aboriginal and Torres Strait Islander people receive the same access and level of service as is available to all other Australians. It is through this Strategy that much of the disadvantage that Aboriginal and Torres Strait Islander people face in respect of Commonwealth services and programs, can be overcome if Commonwealth and State departments and agencies adapt and modify their programs and services to adequately cater for the needs of Aboriginal and Torres Strait Islander people.

³ *Access and Equity Evaluation Report 1992, p50*

⁴ *Access and Equity Evaluation Report 1992, p50*

1.17 The Committee's *Mainly Urban* report⁵ dealt with the needs of urban Aboriginal and Torres Strait Islander people. A major focus of that report was the delivery of adequate services to urban Aboriginal and Torres Strait Islander people. The report noted that:

Mainstream services and special programs appear to be available to all urban dwelling Aboriginal and Torres Strait Islander people. However it is evident that some of these services and programs are avoided by Aboriginal and Torres Strait Islander people because they are culturally inappropriate or are difficult to get to. Discrimination against Aboriginal and Torres Strait Islander people deters them from using some services or excludes them from the service.

*Disempowerment together with social, economic and cultural isolation renders many urban services inaccessible regardless of their location. Those in positions of extreme need are severely impeded in accessing services and resources. Many in rural urban areas have strong traditional links and mainstream services whilst available are not used because of cultural inappropriateness. Insisting on their use is assimilationist and is likely to be unsuccessful.*⁶

1.18 The commitment of government agencies to Access and Equity was quite varied. While some departments and agencies have developed Access and Equity plans and made considerable progress others seem largely unaware of the Strategy. The outcomes for Aboriginal and Torres Strait Islander people have, for the most part, been insignificant.

1.19 Many government agency submissions outline a number of programs that they have which are targeted at Aboriginal and Torres Strait Islander people but they make no attempt to evaluate the access that Aboriginal and Torres Strait Islander people have to these and the equity in the distribution of the programs and services. Neither do they place much emphasis on the involvement of Aboriginals and Torres Strait Islanders in the planning or delivery of these programs.

Previous Findings of the Committee

1.20 Previous Inquiries of the Committee have identified a range of issues that impact on Access and Equity for Aboriginal and Torres Strait Islander peoples.

1.21 The most recent report, *Mainly Urban*, highlighted some of the factors that prevent Aboriginal and Torres Strait Islander people gaining access to services even

⁵ House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, *Mainly Urban - Report of the Inquiry into the needs of urban dwelling Aboriginal and Torres Strait Islander people*, AGPS, Canberra, November 1992

⁶ *Mainly Urban*, p7

though they are relatively close to service providers. *A Matter of Survival* dealt with the language barriers faced by many people.

1.22 In examining the problems that Aboriginal and Torres Strait Islander people have in gaining access to government services and programs, it is important to understand the historical factors and government policies which have had a significant impact on the current situation of Aboriginal and Torres Strait Islander peoples.

Royal Commission into Aboriginal Deaths in Custody

1.23 The Royal Commission into Aboriginal Deaths in Custody in its final report, tabled in April 1991, made 339 recommendations. Many of these recommendations specifically relate to Access and Equity issues and the importance of community-based organisations in providing advice on, and service delivery to, Aboriginal and Torres Strait Islander people. It was noted by representatives of several community organisations during this Inquiry that the Royal Commission into Aboriginal Deaths in Custody dealt with a number of Access and Equity issues and questioned the need for a separate Inquiry into Access and Equity, when there appeared to them to have been little effort by Governments to implement the Royal Commission recommendations.

1.24 The Committee was interested to ascertain what progress had been achieved with these recommendations to improve the outcomes for Aboriginal and Torres Strait Islander people, particularly in relation to Access and Equity.

1.25 A number of relevant recommendations of the Royal Commission into Aboriginal Deaths in Custody are outlined in Appendix 5.

1.26 The Royal Commission into Aboriginal Deaths in Custody Report also detailed the disadvantaged position of Aboriginal and Torres Strait Islander peoples. In its overview, the Royal Commission reported the significance of the history of the last 200 years and it is worth quoting at length:

From that history many things flow which are of central importance to the issue of Aboriginal over-representation in custody.

The first is the deliberate and systematic disempowerment of Aboriginal people starting with dispossession from their land and proceeding to almost every aspect of their life. They were made dependent upon government or non-Aboriginal pastoralists or other employers for rations, clothing, education, living place and living conditions. Decisions were made about them and for them and imposed upon them. It was thought to be bad for an Aboriginal woman to be living with a non-Aboriginal man so that was outlawed; and when Aboriginal women disguised the fact by dressing in male costume that too was outlawed. Aboriginal people were gradually

made dependent upon non-Aboriginal people. Gradually many of them lost their capacity for independent action, and their communities likewise. With loss of independence goes a loss of self esteem.

Of course I speak in general terms; in the most remote communities the society went as before and in all areas there were and are strong people, many of them, men and women, who keep alive the culture and pride in the Aboriginal society. Some of them strove to organise a better deal, to call for rights but the battle was uphill and while some slight gains were made it was a slow and painful progress. People were still not counted in the population, they were not entitled to and did not get social security benefits, mothers still gathered their children about them and ran into the bush when they heard 'the welfare' was about. The damage to Aboriginal society was devastating. In some places, it totally destroyed population. In others, dependency, despair, alcohol, total loss of heart wrought decimation of culture. So it was on the Aboriginal side.⁷

1.27 Among other things, this quote highlights the fact that Aboriginal and Torres Strait Islander people have not had the opportunity to have much control over their own lives, let alone any significant input into the design and delivery of programs and services. Many have been deliberately excluded for many years from most of the services that non-Aboriginal Australians have enjoyed. It is a cruel irony that in many cases, Aboriginal and Torres Strait Islander people were forced into being dependent on government support, and yet were often deliberately denied access to many of the services that governments provided.

1.28 Specifically in relation to access and equity, Recommendation 198 of the Royal Commission into Aboriginal Deaths in Custody recommended:

That Governments commit themselves to achieving the objective that Aboriginal people are not discriminated against in the delivery of essential services and, in particular, are not disadvantaged by the fact that the low levels of income received by Aboriginal people reduce their ability to contribute to the provision of such services to the same extent as would be possible by non-Aboriginal Australians living in similar circumstances and locations.⁸

In response the Commonwealth stated that it:

is committed to the application of its Access and Equity Strategy to all its programs as a means of ensuring that Aboriginal and Torres Strait Islander

⁷ Royal Commission into Aboriginal Deaths in Custody, *National Report*, Volume 1, AGPS, Canberra, 1991, pp8-9

⁸ Royal Commission into Aboriginal Deaths in Custody, *National Report*, Volume 4, AGPS, Canberra, 1991, p38

*people enjoy the same access to services as other Australians. All Commonwealth agencies are now required to report on their implementation of Access and Equity measures with respect to Aboriginal and Torres Strait Islander clients. This is seen as fundamental to the success of the Government's Social Justice initiatives particularly with respect to youth issues and Northern Australia.*⁹

1.29 The commitment has been made by Governments to achieve Access and Equity for Aboriginal and Torres Strait Islander people. What now remains is for this commitment to be turned into achievable and sustainable outcomes for Aboriginal and Torres Strait Islander people. There must be a point where the rhetoric ceases and those outcomes become a reality.

1.30 A major concern throughout this Inquiry is the access and equity Aboriginal and Torres Strait Islander people have to mainstream services. All too often indigenous people wishing to access these services are told 'You are Aboriginal, go to ATSIC about it'. Similarly, many Aboriginal and Torres Strait Islander people go to ATSIC as their first point of contact rather than the appropriate mainstream provider because they are either unaware of who the appropriate provider is or because they feel more comfortable about approaching an Aboriginal organisation which is more likely to understand their needs.

1.31 There is a quite incorrect perception, even amongst other government agencies, that ATSIC is responsible for everything to do with Aboriginal and Torres Strait Islander people. The Chief Executive Officer of ATSIC, Dr Peter Shergold commented:

It is a profound problem which goes from the very top down to the person at the service desk. The view is that, with the establishment of ATSIC, ATSIC has the responsibility for all Aboriginal affairs. It is reflected, if I may say so, amongst parliamentarians as well.

If you read through Hansard for the Senate estimates committees where we appear, you will find that anything that involves Aboriginal people in any way whatever is something that ATSIC is questioned on, whether it is a decision of the WA Supreme Court or bushfires in northern Australia. We are getting to the stage where I can see that ATSIC will be questioned upon industrial relations on ACTION buses because Aboriginal people use the buses. There is a profound lack of understanding that what ATSIC undertakes and what other agencies undertake in their Aboriginal specific programs have got to be supplementary to equitable access to mainstream programs. We cannot be the provider of all the housing, the infrastructure and the

⁹ *Aboriginal Deaths in Custody, Response by Governments to the Royal Commission, Volume 2, AGPS, Canberra, 1992, p755*

*health services that are required by Australia's most disadvantaged group.*¹⁰

1.32 The Committee is concerned about the failure of many mainstream agencies to provide Access and Equity to their services for Aboriginal and Torres Strait Islander people. This includes providers of electricity, water, sewerage, housing, roads and health services. As a result a large proportion of ATSIC funding is being diverted into the provision of services that should have been delivered by mainstream agencies.¹¹

1.33 Funding of Aboriginal and Torres Strait Islander Affairs should be directed towards remedial action to overcome past and present disadvantage as well as providing self determination. It should not be used, as it is at present, to provide replacement services where mainstream agencies have not provided adequate access to services. For example, the State Electricity Commission of Western Australia, SECWA, will provide an electricity supply to Aboriginal communities only if the Commonwealth pays the infrastructure costs plus a 20% administrative margin.¹² Since being corporatised, the SECWA has no community service obligations and has been insisting on making a profit on Commonwealth funded projects which are, in the main, providing the services which SECWA should have provided in the first place. This is one of the most obscene examples the Committee has found, of Aboriginal Affairs funding being diverted into a top-up of mainstream service funding - a mainstream service which discriminates against Aboriginal citizens.

1.34 If mainstream agencies had been providing Access and Equity in their services for the last decade, Aboriginal Affairs funding could have been directed more to addressing social and economic disadvantage. It is a fairly common perception that Aboriginal and Torres Strait Islander Affairs funding should be going to address the social and economic disadvantage of Aboriginal and Torres Strait Islander people particularly in the areas of health, housing and education. In reality, a large proportion is going to provide basic mainstream services which other Australians already receive and take for granted. Mainstream agencies are funded to provide services to all Australians, including Aboriginal and Torres Strait Islander people but, in many instances, are either withholding those services or leaving barriers that act to exclude Aboriginal people.

1.35 For many years the Committee has heard evidence that mainstream public housing providers have restricted access by Aboriginal and Torres Strait Islander applicants. Consequently, generations have grown up in overcrowded and substandard houses. A lack of equitable access to local government services has long been a common complaint in evidence to the Committee. The Western Australian Government pointed out the deficiencies:

¹⁰ Evidence, p131

¹¹ Evidence, p572

¹² Evidence, p593-4

*Aboriginal communities are no different from any other community, and they should be provided with similar services. Balgo is a classic example. Why does a community council have to look after a town of 800 people when, if you take a comparable one in the south-west of Western Australia, it has local government and all the support services and infrastructure under the sun? We are slowly getting people to understand that.*¹³

1.36 This report outlines the significant barriers that exist for Aboriginal and Torres Strait Islander people in gaining Access and Equity and recommends strategies for overcoming these barriers. Central to this, the Committee has identified the urgent need for Government agencies at all levels to better co-ordinate services and to clearly define their responsibilities to Aboriginal and Torres Strait Islander people.

¹³ Evidence, p562

CHAPTER 2

BARRIERS TO ACCESS AND EQUITY FOR ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE

2.1 There is a range of factors which limit the capacity for Aboriginal and Torres Strait Islander people to gain full access to and an equitable share in Government services, programs and resources. Of major importance is the frequent failure of the political and bureaucratic structures to recognise the cultural differences between Aboriginal and Torres Strait Islander peoples and the wider community; the differences in culture between Aboriginal peoples and Torres Strait Islander peoples; and the cultural differences between Aboriginal peoples throughout Australia. Cultural and language differences also exist between different Torres Strait Islander groups. The Committee believes that the political and bureaucratic structures reflect the lack of understanding of these differences in the wider community.

2.2 A number of the barriers for Aboriginal and Torres Strait Islander people were identified in evidence to the Committee. These included language, culture, race and the way in which services are delivered. Certain barriers were identified as affecting particular groups of people across age, gender and disability.

Language

2.3 The Evaluation of the Access and Equity Strategy carried out by the Office of Multicultural Affairs during 1992 found that language barriers were significant obstacles to Access and Equity for people with English as a second or third language. Many Aboriginal and Torres Strait Islander people do not have English as their first language (see Chapter 3, paragraphs 3.7-3.9, for more details). While most of these people are multilingual and speak English as a second, third or fourth language, they do not always have the proficiency or confidence in its use as they do in their first language. It is usually not the language of their thoughts. While the vast majority of Aboriginal and Torres Strait Islanders have English as their first language, the 1986 Census identified 36,000 Aboriginal and Torres Strait Islanders who spoke an indigenous language. Of these, 2000 spoke no English and 8500 did not speak it well.¹ Even where English is the first language it is often Aboriginal English which is a separate dialect from Standard Australian English.

2.4 The provision of adequate language services is an important issue that needs to be addressed by Commonwealth departments and agencies when delivering

¹ Australian Bureau of Statistics, *Census 86 - Australia's Aboriginal and Torres Strait Islander People*, Australian Bureau of Statistics, Canberra, 1991, p42

services to many Aboriginal and Torres Strait Islander peoples. Many Aboriginal and Torres Strait Islander people who use English as a second or third language find it quite difficult to approach government agencies to get accurate information about their entitlements and as a result receive inequitable treatment, for example, in courts and hospitals.

2.5 The Committee was advised that in a number of centres with a strong presence of traditional languages, hospitals did not employ interpreters for these languages. The Aboriginal and Islander Community Health Service in Brisbane indicated that many people who come to hospital in Brisbane do not have English as a first language and are not able to communicate effectively with doctors and nurses. Where an Aboriginal or Islander liaison officer was available there was a big improvement in communications. The Service also stated there was a need for more liaison contact with Aboriginal people in hospitals.

2.6 The Interpreter Service operated by the Department of Social Security (DSS) has gone a long way towards removing language barriers that Aboriginal and Torres Strait Islander people have in gaining access to that Department's services. In 1989, DSS made a commitment to provide language services to Aboriginal and Torres Strait Islander clients who have problems understanding English or speak it as a second language.

2.7 The Aboriginal and Torres Strait Islander Interpreter Service enables DSS to give information to and obtain information from Aboriginal and Torres Strait Islander people in their own language. This aids communication and thereby ensures that clients maintain their full entitlements and their full obligations to DSS.

2.8 The language barrier operates across all areas. In a specific example identified by the National Inquiry into the Human Rights of People with Mental Illness it was found that:

Many Aboriginal people living in nursing homes are unaware of their rights as patients. Their powerlessness is compounded by the fact that most staff in the homes are non-Aboriginal and do not speak Aboriginal languages.

As people get older they tend to revert to their first language. This has sometimes been interpreted as a sign of dementia. Becoming non-communicative and withdrawn due to depression has also been interpreted as dementia. Of course once old people are diagnosed as demented, they can have guardians appointed, with the resultant loss of rights.²

² *Human Rights and Mental Illness*, Report of the National Inquiry into the Human Rights of People with Mental Illness, HRECO, AGPS, Canberra, 1993, pg 704-705

2.9 The Committee was also told in places such as the top end of the Northern Territory and Far North Queensland, where traditional languages are strong, that Aboriginals who do not speak English or who do not have English as their first language, are being questioned by police and are appearing before courts without the aid of an interpreter.³ A similar situation applies to people who speak only Aboriginal English.

2.10 This was illustrated in Cairns by the Nijjiku Jowan Aboriginal Legal Service who stated that there was a continuing problem of clients trying to understand what the lawyers and the judges were actually talking about and that it was a very serious matter when a person did not understand the charges, the evidence being given and the terms of any punishment if convicted. That people are unable to speak clearly in their own defence is a major barrier to justice.

2.11 In Darwin the Committee was told by the North Australian Aboriginal Legal Aid Service (NAALAS) that there was no official interpreter service for Aboriginal languages. The Commonwealth's Interpreter Service in Darwin does not handle Aboriginal languages. Usually NAALAS finds family members or other community members who can speak the language. A recent case was outlined where a boy from Oenpelli who did not really understand English, and was also deaf, was before the court. The court agreed to pay the airfare of an interpreter to come from Oenpelli to Darwin to appear in court to assist the boy. However, the court refused to pay accommodation expenses or an interpreter fee. This demonstrates a clear lack of access and equity within the court system.

2.12 The Royal Commission into Aboriginal Deaths in Custody recommended in its final report:

That legislation in all jurisdictions should provide that where an Aboriginal defendant appears before a Court and there is doubt as to whether the person has the ability to fully understand proceedings in the English language and is fully able to express himself or herself in the English language, the court be obliged to satisfy itself that the person has that ability. Where there is doubt or reservations as to these matters proceedings should not continue until a competent interpreter is provided to the person without cost to that person. (Recommendation 99)

That governments should take more positive steps to recruit and train Aboriginal people as court staff and interpreters in locations where significant numbers of Aboriginal people appear before the courts. (Recommendation 100)⁴

³ See also, *House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, Language and Culture - A Matter of Survival*, AGPS, Canberra, 1992, p58-61

⁴ Royal Commission into Aboriginal Deaths in Custody, *National Report*, Vol 3, AGPS, Canberra, 1991, pg 79-80

Both recommendations were supported by all states and territories except for recommendation 99 which was only 'supported in principle' by Victoria and given 'qualified support' by the Northern Territory.

In *A Matter of Survival*, the Committee recommended that:

*In implementing recommendation 99 of the Report of the Royal Commission into Aboriginal Deaths in Custody a stronger obligation be imposed on courts to establish a person's fluency in Standard Australian English in determining the need for an interpreter. This would include translating Aboriginal English where required. (Recommendation 11)*⁵

In response the Commonwealth stated:

This recommendation is supported in principle, although the Commonwealth is not in a position to direct courts. The Commonwealth Attorney-General's Department has been provided funding to develop a program for the use of interpreters for Aboriginal people in the courts. The program involves liaison and consultation with Aboriginal groups, State, and Federal Courts and legal bodies including Aboriginal Legal Services.

*In addition, the planned Aboriginal languages awareness campaign by ATSIC will strongly encourage the use of interpreters in situations such as this.*⁶

2.13 It is clear that Recommendation 100 of the Royal Commission into Aboriginal Deaths in Custody concerning the provision of interpreters is not being fully implemented, despite being supported by the Commonwealth and all of the States and Territories. Recommendation 11 of the Committee's Report *A Matter of Survival*, also does not appear to have been implemented.

2.14 Article 14 of the International Covenant on Civil and Political Rights, to which Australia is a signatory, provides amongst other things:

In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

⁵ *A Matter of Survival*, p62

⁶ *Government Response to the Recommendations of the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs Inquiry into Aboriginal and Torres Strait Islander Language Maintenance Report - A Matter of Survival*, December 1992, p7

- a *To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;*
- f *to have the free assistance of an interpreter if he cannot understand or speak the language used in court.*⁷

2.15 The evidence to the Committee indicates that these basic human rights continue to be breached regularly in many parts of Australia. Despite the support claimed by all governments to the Royal Commission recommendations there is little evidence of a significant effort at implementation. The Australian Law Reform Commission has also outlined these difficulties in a recent report.⁸

2.16 The Attorney-General's Department which is responsible for human rights was asked to make a submission to the Inquiry but chose not to do so. The Attorney-General's Department did advise that it is now establishing programs in response to the recommendations of the Royal Commission into Aboriginal Deaths in Custody. These are:

- . an Aboriginal Interpreters Project; and
- . a Cross-Cultural Awareness Program for the Judiciary.

2.17 The aim of the Aboriginal Interpreters project is to increase the accessibility for Aboriginal and Torres Strait Islander people to court interpreters thereby promoting an equitable and just court system. There have been three graduates during 1992-93 to level 2 of the National Accreditation Authority of Translators and Interpreters (NAATI) standards in the Pitjantjatjara language. This course was conducted with the assistance of the South Australian College of TAFE, assisted by a lecturer from the Institute for Aboriginal Development in Alice Springs. The Department is planning further language courses in Torres Strait Islander Creole and the Pitjantjatjara language.

2.18 Although this is a welcome initiative there needs to be a much more concerted effort within the court system to address the language difficulties experienced by other indigenous language groups.

2.19 The Committee is extremely concerned at the apparent lack of urgency in responding to these recommendations. The Royal Commission report is a major one and one on which the Government relies upon when it says it is addressing particular problems. The Commonwealth Attorney-General's Department and state

⁷ Section 3, of Article 14

⁸ The Law Reform Commission, *Multiculturalism and the Law*, Report No. 57, 1992, Chapter 3

justice agencies do not appear to be giving this matter suitable priority. In the face of the continuing breaches of Australia's Human Rights obligations the Committee is extremely concerned that the Attorney-General's Department has failed to address the access and equity strategy and the observance of our human rights obligations to Aboriginal and Torres Strait Islander people.

2.20 The Committee recommends that:

the Attorney-General ensures that his Department gives top priority to:

- addressing the issues of access to interpreters in the Federal court system; (Recommendation 1)
- assisting Aboriginal and Torres Strait Islander people appearing in other jurisdictions to gain access to interpreters where needed; (Recommendation 2)
- ensuring Australia's international human rights obligations are being met within Australia. (Recommendation 3)

2.21 The aim of the Cross Cultural Awareness Program for the Judiciary is to improve the access of Aboriginal and Torres Strait Islander people to the courts through the improvement of the administration and decision making processes of the courts. The outcomes of the program are designed so that there is an increased understanding of the society, customs and traditions of Aboriginal and Torres Strait Islander people by the judiciary and court officials. No details have been provided on the progress of this program. The Committee can only assume that it is proceeding as slowly as the interpreter program.

2.22 All departments and agencies need to keep in mind that many Aboriginal and Torres Strait Islander people do not speak fluent English and may find it necessary to engage an interpreter. It may not always be necessary to engage an interpreter when in fact an understanding of the clients difficulty with English may make staff more patient and understanding of the clients needs.

2.23 The Office of Multicultural Affairs Evaluation found that 'the key to equitable access in Australia is a reasonable command of English'.⁹ Although the Office of Multicultural Affairs Evaluation Report found that the lack of adequate language

⁹ Department of the Prime Minister and Cabinet, Office of Multicultural Affairs, *Access and Equity Evaluation Report*, 1992, AGPS, Canberra, p38

services for those not fluent in English remained a major barrier to access, it does not mention the extremely limited language services available for Aboriginal and Torres Strait Islander people. Rather, it concentrated on the limitations of the much more widely available services for migrant languages.

2.24 The lack of recognition of the language barriers faced by Aboriginal and Torres Strait Islanders, is itself a major barrier to access.

2.25 Evidence to the Committee indicated that, with the notable exception of the Department of Social Security, there are few examples of departments who meet their obligations to provide interpreters for Aboriginal and Torres Strait Islanders of a non-English speaking background. People are reluctant to attempt to access services where they know they will not be understood and where they will be embarrassed or even ridiculed. Ready access to interpreters is essential if these people are to have access and equity in relation to government services.

2.26 The Office of Multicultural Affairs in its *Guide for Australian Public Service Managers* outlines departmental obligations:

The onus is on departments and agencies to take steps to overcome communication barriers.

*Service delivery is the responsibility of the service provider. Therefore if your staff encounter clients who speak little or no English, it is up to you to take steps to overcome this difficulty by, for example, arranging for an interpreter. This responsibility should not be given to the client as access to your service is your responsibility.*¹⁰

2.27 In 1992 the Committee reported on Aboriginal and Torres Strait Islander language maintenance.¹¹ The Committee found that there are many situations where Aboriginal and Torres Strait Islander people can be disadvantaged or harmed through being misunderstood. The job of an interpreter requires skills over and above simply being fluent in the two languages involved and trained interpreters should be used wherever possible. In hospitals and court cases, for example, a trained interpreter is essential. There is an almost complete lack of Aboriginal and Torres Strait Islander interpreter services available.¹²

¹⁰ Department of the Prime Minister & Cabinet, Office of Multicultural Affairs, *Access and Equity - Guide for APS Managers - 1993*, AGPS, Canberra, p18

¹¹ House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, *Language and Culture - A Matter of Survival*, AGPS, Canberra, 1992

¹² *A Matter of Survival*, pp56-57

2.28 The Committee recommends that:

the provision of adequate interpreter services for Aboriginal and Torres Strait Islander people in courts and in government services be a major focus for the unit responsible for co-ordinating access and equity provisions for Aboriginal and Torres Strait Islander people across all government departments and agencies. (Recommendation 4)

2.29 The Translating and Interpreting Service (TIS) is available 24 hours a day, 7 days a week. It offers telephone interpreting and when telephone interpreting is inappropriate it can arrange for on-site interpreting. It also provides a translating service. The previous Committee drew attention to the advertising of the telephone interpreting service which is widely advertised by the Commonwealth Government but which does not provide interpreters of Aboriginal and Torres Strait Islander languages. This is despite its advertised injunction: 'If you have difficulty communicating in English ring the Translating and Interpreting Service'.

2.30 The Committee found this to be a prime example of the insensitivity of a government department to Aboriginal and Torres Strait Islander people. It continues the denigration of Aboriginal and Torres Strait Islander people and their languages by behaving as though they do not exist.¹³ The Committee notes that these advertisements continue.

2.31 In its report, *A Matter of Survival*, the Committee recommended that:

The Commonwealth establish under ATSIC a separate national interpreter service for Aboriginal and Torres Strait Islander languages to ensure that people have reliable access to trained interpreters and translators. The service should be separately funded. Because of the number and geographic distribution of language speakers, a network service utilising existing Aboriginal and Torres Strait Islander language resources where possible, would be most appropriate. (Recommendation 10)¹⁴

2.32 The Committee notes however that little progress has been made by ATSIC in this area, particularly in comparison to the Department of Social Security. In its submission to this Inquiry, ATSIC said that as part of its Access and Equity Plan, ATSIC staff will work with the Department of Social Security to develop an

¹³ *A Matter of Survival*, p57

¹⁴ *A Matter of Survival*, p62

interpreter service for ATSIC programs and services.¹⁵ While the Committee is concerned that ATSIC has been slow to develop an interpreter network,¹⁶ working with the Department of Social Security would appear to be the most appropriate direction at this stage.

2.33 The Office of Multicultural Affairs Evaluation Report regards TIS as the main provider of translation services and evaluates their provision on the basis of access to TIS.¹⁷ For example, the Report states:

The key finding, backed up for example, by both the Federation of Ethnic Communities Councils of Australia (FECCA) and the Bilingual Consultants Network (BCN) consultations, was that there were a number of problems which limit the exercise of the right to an interpreter. There were many examples in the BCN consultations of interpreters not being offered (Chinese in NSW; Cambodian in Vic.; Turkish women in Vic., Tongans in NSW; Czechs in Tas.). In Port Hedland it was felt that, although some government agencies used TIS, the onus was on the client to make the necessary arrangements for language services.¹⁸

2.34 The lack of availability of any trained interpreters for many Aboriginal and Torres Strait Islander languages is not mentioned. The reliance on TIS in Port Hedland fails to recognise the inability of TIS to provide interpreters for the range of traditional languages in the Pilbara region.

2.35 The Committee believes however that Aboriginal and Torres Strait Islander people should also have access to the mainstream Translating and Interpreting Service to assist them in their dealings with government departments and agencies other than those providing specifically targeted Aboriginal and Torres Strait Islander programs.

2.36 The Australian Public Service pays a special allowance to staff who are fluent in a language other than English and, not being employed as interpreters, are called upon to interpret from time to time in the course of their employment. This allowance is the Linguistic Availability Performance Allowance (LAPA). The Committee understands that only six people in the whole of the Australian Public Service receive LAPA for an indigenous language.¹⁹

¹⁵ Evidence, pS174

¹⁶ Evidence, p128

¹⁷ *Access and Equity Evaluation Report 1992*, p38-41

¹⁸ *Access and Equity Evaluation Report 1992*, p39

¹⁹ Department of the Prime Minister & Cabinet, Office of Multicultural Affairs, *Review of the Linguistic Availability Performance Allowance*, March 1992, p39

2.37 The Committee reaffirms Recommendation 10 of the Report, *A Matter of Survival*, that:

*the Commonwealth establish under ATSIC a separate national interpreter service for Aboriginal and Torres Strait Islander languages to ensure that people have reliable access to trained interpreters and translators. The service should be separately funded. Because of the number and geographic distribution of language speakers, a network service utilising existing Aboriginal and Torres Strait Islander language resources where possible, would be most appropriate.*²⁰ (Recommendation 5)

The Committee further recommends that:

- ATSIC give priority to the development of an interpreter network in association with the Department of Social Security; (Recommendation 6)
- ATSIC ensures that its own staff are receiving the Linguistic Availability Performance Allowance where indigenous languages are used as part of their work; (Recommendation 7)
- the Minister for Immigration and Ethnic Affairs ensures that Aboriginal and Torres Strait Islander language speakers have access to interpreter services through the Translating and Interpreting Service, by utilising the proposed Aboriginal and Torres Strait Islander interpreter network. (Recommendation 8)

2.38 During the Evaluation of the Access and Equity Strategy, none of the Bilingual Consultancy Network consultations in languages other than English were in Aboriginal or Torres Strait Islander languages.²¹ The Office of Multicultural Affairs claimed this was due to a lack of sufficient Aboriginal consultants at the time and that consultations were conducted with the ATSIC network. Nonetheless Aboriginal and Torres Strait Islander language issues do not feature significantly in the Evaluation Report nor the Research Papers. This is as much a reflection on ATSIC's failure to consider this issue as it is on the Office of Multicultural Affairs.

²⁰ *A Matter of Survival*, p62

²¹ *Access and Equity Evaluation Report 1992*, p143

2.39 Two other aspects of language barriers need to be mentioned. While the vast majority of Aboriginal people have English as their first language for many it is a different dialect to Standard Australian English. There is a range of dialects of English known collectively as Aboriginal English. Aboriginal English is regarded by linguists as valid rule-governed language capable of expressing the wide range of human experience. The failure to recognise it as a separate dialect leads to several problems. Many people treat Aboriginal English as an uneducated or corrupted form of Standard Australian English and are somewhat dismissive of those who use it.²²

2.40 While Aboriginal English and Standard Australian English are usually mutually intelligible there are major differences in vocabulary, grammar, meaning, sounding system, gesturing and sociocultural context. In situations such as government offices, courts or hospitals, the failure to identify and comprehend Aboriginal English significantly limits the effectiveness of those institutions.²³

Literacy

2.41 Many Aboriginal and Torres Strait Islander people also have low levels of literacy. This alone poses a significant barrier to access to services. These people are unable to read or fully understand signs and written material, they are unable to complete forms without assistance and for many the shame and potential embarrassment is enough to deter them from entering a government office. The importance of outreach services, such as those provided by the Department of Social Security cannot be overemphasised in providing access to many services for people with literacy difficulties.

2.42 Despite the very good outreach services provided by Department of Social Security, problems still occur. In Kalgoorlie, the Committee heard of remote communities where a lot of traditional people would receive individually addressed letters from the Department of Social Security, seeking information about changes in conditions. These all need translating and responses prepared. Many of the people are quite old and often people are out of the community for a period and unable to respond within the set time limits. The Committee believes it to be inequitable for such burdens to be transferred to community organisations. The Department should be able to identify such communities within its mail-out system and either use its Community Agents or make contact with the community administration to ascertain whether changes had occurred in conditions.

²² *A Matter of Survival*, p27-28

²³ *A Matter of Survival*, p29

2.43 The Committee recommends that:

the Department of Social Security take steps to ensure that in mass mail-outs to individuals, correspondence to remote Aboriginal or Torres Strait Islander communities is handled in a more appropriate way, to ensure that recipients with language or literacy needs are not disadvantaged; (Recommendation 9)

The Committee further recommends that:

the unit responsible for co-ordinating the Access and Equity Strategy for Aboriginals and Torres Strait Islanders highlights the more successful techniques used by some agencies in addressing Access and Equity, to encourage other departments and agencies to implement such techniques.
(Recommendation 10)

Culture

2.44 The failure of governments and agencies to understand the cultural differences and to actively take measures to train staff to appreciate these cultural differences is another major barrier that Aboriginal and Torres Strait Islander people face in achieving Access and Equity. It is far too common that Aboriginals and Torres Strait Islander people face difficulty in gaining access to services because the staff of these departments and agencies do not recognise that Aboriginal and Torres Strait Islander peoples may have different cultures and differing needs to those of the wider community.

2.45 One aspect identified by the Office of Multicultural Affairs Evaluation was the failure to recognise that Aboriginal culture does exist and that it affects people's behaviour across a variety of rural and urban settings:

...traditional culture still survives and traditional languages are still spoken, but this survival and the durability of Aboriginal cultures is rarely acknowledged by the dominant non-Aboriginal society. Links with the land and religion are thought to be the province of 'tribal' people, town dwellers being assumed to have lost contact with their Aboriginality.²⁴

²⁴ Access and Equity Evaluation Report 1992, p42

2.46 This crucial issue of cultural barriers was raised in many places during the Inquiry. When Aboriginal and Torres Strait Islander people express their needs they are often not fully understood. The Aboriginal and Islander Community Health Service (AICHS) in Brisbane, told the Committee that Aboriginal and Torres Strait Islander people often had to go back time and time again to explain their needs because departmental officers had preconceived ideas of their needs. Consequently, in some instances, departmental officers categorised Aboriginal and Torres Strait Islander people as always demanding. The AICHS has tried to overcome this attitude by having more Aboriginal liaison staff appointed in offices, who can communicate with non-Aboriginal and Torres Strait Islander people and provide some education on cultural needs. The AICHS claims that racism still occurs on a frequent basis, due to ignorance by non-Aboriginal people of the cultural needs of Aboriginal people. Communication and service delivery are much improved where this ignorance is addressed.

2.47 The Committee believes that the provision of Aboriginal and Torres Strait Islander liaison officers is crucial to providing access and equity in many services, with hospitals being a particular area of need.

2.48 The appointment of Aboriginal and Islander Liaison Officers to hospitals is proceeding slowly and some hospitals in areas with significant Aboriginal and Torres Strait Islander populations still do not have liaison officers. There are some areas, such as the Kempsey area in New South Wales, where the Committee was told of good relationships with, and ready access to, public hospitals by Aboriginal people. More commonly the Committee heard of access problems such as cultural differences, language barriers and in many instances racism.

2.49 The Committee recommends that:

the Minister for Health ensures that, in financial arrangements with the States and Territories, the employment of adequate numbers of Aboriginal and Torres Strait Islander liaison officers within hospitals to ensure effective delivery of services, is guaranteed.
(Recommendation 11)

2.50 Cultural barriers that Aboriginal and Torres Strait Islander people face in relation to health was highlighted by the Tangentyere Council in Alice Springs. It was stated that a birthing centre had been opened at the Alice Springs hospital, but there had been no change in access or equity for Aboriginal people. There was an Aboriginal liaison officer at the hospital, but neither the system itself, nor the physical arrangements, were conducive to the sort of environment in which Aboriginal people were comfortable.

2.51 This message was repeated in discussions with community representatives in many centres across Australia. Australia's first purpose-built Aboriginal birthing centre has now been established in Alice Springs, at Alukura, where women have wanted their own birthing centre for some time.²⁵

2.52 In an article in *The Bulletin* on 9 November 1993 it was stated:

Women wanted their own birthing centre. 'Our laws have been violated since the white man came', they said. 'Our babies die. Our women are shamed. White people have never asked us where we want to have our babies. They've always said, 'You've got to go to the hospital. The old-time way, people have babies in their country with the old people.'

*Bell [Stephanie Bell, Director of Alukura] has seen the loneliness and fear experienced by women coming to Alice Springs Hospital from isolated communities. 'For most, English is a second or even a third language and so to have medical people talking in jargon is very difficult', she says. 'In addition, birthing is strictly women's business. The fact that the whitefella process includes men is really culturally inappropriate.'*²⁶

2.53 During the Committee's visit to Central Queensland, ATSIC Regional Councillors from Cherbourg emphasised the vital spiritual and cultural need for babies to be born 'on our land, among our people'. In Cairns and Darwin the Committee was told of the inappropriateness, for women coming in from traditional areas, of giving birth five or six floors up in a large non-Aboriginal institution.

2.54 There is also a lack of recognition of the traditional roles of women and men and the separation of women's business as opposed to men's business. Tangentyere Council said that mammograms and cervical cancer screening were not readily available to Aboriginal women. Where they are available, there are very strong cultural barriers to access. This is because health facilities are staffed by both men and women. For many Aboriginal women an internal examination is a cause of huge personal embarrassment involving 'the biggest shame', and many refuse to take part in any treatment or screening that may expose them to such shame. In many health services, no care is taken over the cultural aspects - that some business is men's and that some is women's. The Central Australian Aboriginal Congress Health Service in Alice Springs highlighted a major problem in men's health. Because a lot of bush clinics were seen as 'women's places', men did not access them. This is particularly a problem in treating sexually transmitted diseases but extends across the whole range of men's health problems.

²⁵ The Committee heard of the strong need for Aboriginal birthing centres in many of the places it visited.

²⁶ *The Bulletin*, 9 November 1993, p36

Cross-Cultural Training

2.55 The Access and Equity Evaluation Report made the following recommendations in relation to training:

Recommendation 14

Departments and agencies recognise the key role of training at all levels for implementation of Access & Equity and take appropriate steps to ensure that their officers are trained to:

- a understand the Access & Equity Strategy (the concepts, objectives and practice);*
- b utilise Access & Equity concepts and tools, such as ethnicity data collection and cross-cultural communication techniques, in policy development, program design and delivery; and*
- c be culturally sensitive in public contact work.*

Recommendation 15

Departments and agencies have as a primary training goal the integration of Access & Equity related training into mainstream training and the identification of areas which need to be targeted for specialist training. OMA, in collaboration with the Public Service Commission (PSC), the Aboriginal and Torres Strait Islander Commission and other selected departments and agencies, is to develop a cross-portfolio framework/strategy for training of all APS officers in this context. OMA will play an initial developmental, promotional and advisory role and thereafter will provide expertise on Access & Equity issues at both the national and regional levels.²⁷

2.56 These are welcome initiatives but as the submission from Tangentyere Council points out:

It must be seen as an ongoing component and be targeted at as broad a group of staff/employees as possible, for example cross-cultural courses should be delivered as a series of training modules with accreditation recognised by formal institutions, and these modules

²⁷ Access and Equity Evaluation Report 1992, p126

*must not be restricted to classroom settings, they must take personnel out to the grass roots of Aboriginal society.*²⁸

2.57 There must also be significant commitment from management to cross-cultural training and recognition that this training should not only be for counter staff, who deal directly with clients, but for the entire organisation. The Tangentyere submission makes the following points:

*If key managers reflect paternalistic and/or racist attitudes in their dealing with minority groups, this is bound to filter down to staff at the service level.*²⁹

2.58 The issue of cross-cultural training was raised with the Committee on several occasions during evidence. The Evaluation of the Access and Equity Strategy also highlighted the importance of cross-cultural training in assisting the breaking down of barriers that Aboriginal and Torres Strait Islander people face in gaining access to government services and programs:

*In Port Hedland [WA] it was considered staff were not as sensitive to Aboriginal cultural issues as they should be. The Port Hedland study also indicated that all non-Aboriginal staff should be required to undertake cross-cultural awareness training not only to improve their own standards of service delivery, but also to help them to understand the pressures under which Aboriginal and Torres Strait Islander staff operate, torn as they can be between career requirements and the needs of others of their people. Important aspects of Aboriginal culture were felt to be overlooked in efforts to adhere to bureaucratic regulations. Aboriginals who disappeared for some time to funerals or other ritual duties, for example, often lost their benefits payments due to absence on the required day.*³⁰

2.59 Other evidence provided to the Committee included that from Tangentyere Council, who said that the issue went further than cross-cultural training. You can have someone talk about the Aboriginal way of life, but how the people concerned accept that information is quite another matter. Tangentyere Council also added that some people come in with open minds and will listen to what is being said but others will come in with their defences up against the whole process from the moment they walk in the door.

2.60 Of considerable concern to the Committee was the lack of cultural awareness training provided to teachers, particularly in remote areas and with large numbers of Aboriginal or Torres Strait Islander students. In Amata, in the Pitjantjatjara

²⁸ Evidence, pS75

²⁹ Evidence, pS75

³⁰ Access & Equity Evaluation Report 1992, p42

Lands of South Australia, the Committee spoke to two first year teachers who had only been there for a few months. Neither had received any cultural awareness training and neither had worked with Aboriginal children before. One teacher stated that he had been on a one week induction course at Amata. The Committee is concerned that this situation remains widespread, despite previous recommendations to the contrary.

2.61 In Darwin, the Committee was told by Feppi, the Northern Territory Aboriginal Education Consultative Group, that there needs to be more community input into the selection of teachers for schools with large Aboriginal and Torres Strait Islander student populations. There had been some problems with people, who may not have had as much teaching experience, being appointed above local people to senior teaching positions. One of the problems cited was that some schools were operated on the basis of maintaining a system, but not necessarily in accordance with the wishes of the Aboriginal or Torres Strait Islander community.

2.62 Cross-cultural awareness should also be about challenging people's incorrect ideas and attitudes towards Aboriginal and Torres Strait Islander people. Information provided should be accurate and relevant to the region in question. People should not expect to learn everything about Aboriginal and Torres Strait Islander people from a one day training course. There needs to be ongoing mechanisms to gain more knowledge about Aboriginal and Torres Strait Islander cultures and societies.

2.63 The Committee notes that the Equal Employment Opportunity strategy for the Australian Public Service seeks to increase the employment of Aboriginals and Torres Strait Islanders. This Inquiry has found that greater employment of Aboriginal and Torres Strait Islander people in government departments, particularly but not solely, in contact staff positions is essential.

2.64 The Committee recommends that:

- . cross-cultural training be undertaken by all staff of Commonwealth departments and agencies at all levels including induction programs; (Recommendation 12)
- . Aboriginal and Torres Strait Islander people should be involved in the design and delivery of cross-cultural awareness training and courses; (Recommendation 13) and
- . cross-cultural awareness courses should be relevant to the particular region to reflect the cultural differences of the local Aboriginal and/or Torres Strait Islander people. (Recommendation 14)

Race

2.65 Acts of racism continue to inhibit Aboriginal and Torres Strait Islander people receiving appropriate access to, and equity in, government services and programs.

2.66 The Committee previously drew attention to the attitudes of the wider community toward Aboriginal and Torres Strait Islander people and that for many, 'Aboriginality or Torres Strait Islanderness is measured only by the darkness of skin and the practice of a traditional lifestyle'.³¹

The *Mainly Urban* Report goes on to say that:

Racism still exists within Australian society but whilst overt racism is diminishing, subtle forms are taking its place. Repression was an integral part of the process of colonisation where the indigenous inhabitants were subdued and possession was taken of their land by European colonists. The colonial era has long been over but some people continue to behave as though repression is still necessary. Despite priding itself as an egalitarian society, discriminatory attitudes permeate the different levels of Australian society to a significant extent. Former Commissioner Elliott Johnston QC, wrote in the

³¹ House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, *Mainly Urban - Report of the Inquiry into the needs of urban dwelling Aboriginal and Torres Strait Islander people*, AGPS, Canberra, p4

report of the Royal Commission into Aboriginal Deaths in Custody, that until he became involved in the detailed work of the Commission:

I had no conception of the degree of pin-pricking domination, abuse of personal power, utter paternalism, open contempt and total indifference with which so many Aboriginal people were visited on a day to day basis.

*Discriminatory behaviour and overt racism tend to increase during periods of economic downturn as at the present time.*³²

2.67 The Report of the National Inquiry into Racist Violence highlighted the extent and effects of racist violence towards Aboriginal and Torres Strait Islander peoples.

*There was widespread evidence put before the Inquiry of the extreme effects of racist violence on victims. One effect was a sense of hopelessness. In Murray Bridge there was 'a sense of acceptance, resignation and helplessness because people either don't know what to do or believe quite strongly that nothing will be done'. Evidence from the public hearings of the inquiry in Redfern, Townsville and Perth related similar findings of a lack of confidence in anyone being able to address the experiences of Aboriginal and Torres Strait Islander people.*³³

2.68 The report also pointed out that racism and racist violence seems to permeate the day-to-day lives of Aboriginal and Torres Strait Islander people.

*Their social and cultural life in many areas is continually affected by racist activities. As evidence from Townsville claimed, Aboriginal and Islander people were subjected to violence in respect of 'accommodation, hotels, nightclubs and places Aboriginal and Islander people like to frequent'. Or as an Aboriginal man stated in evidence in Melbourne 'Aboriginal people suffer from racism every day of their lives in employment, education, cultural facilities, on public transport and at the hands of government officials including police.'*³⁴

2.69 The Access and Equity Evaluation Report also identified racism as a serious barrier to Access and Equity for Aboriginal and Torres Strait Islander peoples and that the research undertaken for the evaluation of the Access and Equity Strategy confirmed the findings of the Racist Violence inquiry.

³² *Mainly Urban*, p4-5

³³ Human Rights and Equal Opportunity Commission, *Racist Violence - Report of the National Inquiry into Racist Violence*, AGPS, Canberra, 1991, p115

³⁴ *Racist Violence*, p73

*Racial discrimination towards Aboriginals was reported in Port Hedland [WA], Campbelltown [NSW] and Geraldton [WA]. In Geraldton, the experience of prejudice and racism was said to be so great that Aboriginal people preferred to escape to settlements outside the town limits even though this curtailed their access to services and resources.*³⁵

2.70 There is a difficult line to draw between acts of racism and those incidents that negatively effect Aboriginal and Torres Strait Islander people based on ignorance of Aboriginal and Torres Strait Islander cultures. Some examples cited to the Committee could have been a result of ignorance of Aboriginal and Torres Strait Islander cultures; others could have been the result of blatant racism.

2.71 There were a number of specific examples cited to the Committee to confirm that Aboriginal and Torres Strait Islander people believe racism still exists and has an affect on how some service deliverers provide their services to Aboriginal and Torres Strait Islander peoples.

2.72 On Thursday Island, the Committee was told by Mura Kosker Women's Sorority of different treatment by the police in relation to domestic violence and the response by police to reports from non-Torres Strait Islanders as opposed to Torres Strait Islanders. There was a perception that if a Torres Strait Islander woman was suffering from domestic violence on Thursday Island it was not afforded the same importance as if it were a non-Torres Strait Islander woman. Mura Kosker referred to an incident where a white woman was allegedly raped on a particular weekend and the police were flown in immediately from the mainland. The Committee was told that if it was a Torres Strait Islander woman she would have to wait until Monday before any action was taken by the police to respond to the incident.

2.73 In Cairns, the Committee was told by the Wu Chopperen Medical Service of a recent incident at the Cairns base hospital where a woman had died, who was a victim of a bashing and was under the influence of alcohol. The woman was taken to the hospital, but was told that there were no beds available. The woman was then taken to the women's shelter at Warringu but when her condition worsened she was taken to Wu Chopperen who phoned the hospital and was told that the woman had been trying to get admitted all weekend and that there was nothing wrong with her. The woman was taken back to the shelter, suffered a cardiac arrest and died. The case is now under investigation by the Aboriginal representative on the Human Rights Commission.

2.74 The Committee has no corroborating evidence which either supports or denies these allegations. However it is clear that these incidents have been interpreted by communities as clear evidence of racism.

2.75 The Committee heard similar evidence from the Danila Dilba Medical Service in Darwin in relation to an incident in Alice Springs. A woman had what appeared to be a severely broken arm, was under the influence of alcohol and went to the Alice Springs Hospital for treatment. The Committee was told that this woman was not given the appropriate medical attention that her condition deserved. More to the point she was ignored by staff at the hospital. An Aboriginal woman who was also in the waiting room at the time told the Committee that she explained to the nursing staff at the hospital that they should treat the woman with the broken arm first but she was told that she could wait and that the x-ray room didn't open until the morning anyway. The Aboriginal woman with the broken arm was ignored, and as a result left without being treated by staff at the hospital.

2.76 The Committee, however, does recognise that nursing staff play a crucial role in the delivery of health services and are often required to work in a very demanding and highly pressured environment.

2.77 In discussions with the Victorian Aboriginal Legal Service, the Committee was told, in relation to the police force, that in some areas things were quite good and that the situation depended on the attitudes of the senior officers. If the Senior Sergeant was racist then there was bound to be trouble. However, if there was work on the part of the police to improve relations, particularly by the use of cross-cultural training and employment of Aboriginal Liaison Officers, then there were often big improvements. There was still a problem of staff turnover, where relations were built up over a period and when those people left, work had to start again.

2.78 As mentioned previously, it is the responsibility of government agencies to ensure that racism does not occur in service provision and to address the issue of cross-cultural training. It is vital to ensure that staff of departments are sensitive and responsive to needs of Aboriginal and Torres Strait Islander people.

Design and delivery of programs and services

2.79 Aboriginal and Torres Strait Islander people have considerable difficulty in gaining access and equity because of the design and delivery of programs and services by many government departments and agencies. The Tharawal Aboriginal Corporation in Campbelltown NSW, told the Committee that there is still very much a problem of Aboriginal people not accessing mainstream services. The services also did not know how to access the community. The way the services are set up is alienating Aboriginal people. Aboriginal people would not use these services because they were automatically offended, alienated and out the door.

2.80 This point was also made by the Piabun Aboriginal Corporation in Brisbane. They said that the policies laid down by the government were not policies that the Aboriginal people had been involved in. They lived under the system of the government. The government was the person that spoke for them but they did not have a say in what they wanted. When they had left the settlements they had had to cope. Piabun was not against the policies that had been made for Aboriginal

people, but they had not been consulted to determine what was needed at the grass roots level. If Aboriginal people and white people were going to work together, then Aboriginals needed to have some input. They should be making the policies. Piabun said Aboriginals had been in the system for over 200 years and it was about time they had something to say about their lives.

2.81 The effects of past policies and practices of all levels of government is substantially reflected in the subsequent attitudes of the wider community toward indigenous Australians. Community attitude is a significant factor in the degree to which Aboriginal and Torres Strait Islander people receive access and equity in government services.

2.82 This was pointed out in the submission by the Central Australian Aboriginal Congress in relation to both the National Aboriginal Health Strategy and the Royal Commission into Aboriginal Deaths in Custody.

However, old assimilationist attitudes and practices die hard. Government Departments, both Commonwealth and Territory, have been selective in implementation of both the Strategy and the recommendations of the Royal Commission. What Governments have chosen to implement, reflects a persistence of paternalism and assimilationism within all levels of Government. There are many examples of this, but we do not wish to focus on the details of these; such exposure can be damaging to the process of developing more productive and positive relationships. It is not unreasonable, however, for our people to expect that such a relationship is based on the central tenets of the two key documents which all Australian Governments, and Aboriginal community organisations have endorsed.³⁶

2.83 This further highlights the need for Aboriginal and Torres Strait Islander people to be involved in the design and delivery of programs that directly affect them on a day to day basis. For such programs and services to be both effective and efficient the involvement of Aboriginal and Torres Strait Islander people in design and delivery is an essential step.

2.84 Governments at all levels need to ensure that appropriate mechanisms are in place to address this issue. This should be through both the employment of Aboriginal and Torres Strait Islander people in policy and service areas and in appointments to boards and advisory committees to reflect the needs of Aboriginal and Torres Strait Islander people. Where such advisory boards do not exist, they need to be established to ensure effective service delivery. In addition, negotiations should be held with local Aboriginal and Torres Strait Islander communities.

2.85 These mechanisms must be incorporated throughout all Government agencies. For example, if a new initiative is being undertaken within a department that will

³⁶ Evidence, pS560

affect Aboriginal and Torres Strait Islander people, it should be an automatic process that Aboriginal and Torres Strait Islander people be involved in its development from an early stage, not as an afterthought towards the end of the process. Where Aboriginal and Torres people are only involved at the end of the process, such tokenism does not allow for proper consultation and negotiation and the whole process is flawed.

2.86 Government departments and agencies at the regional and local level need to ensure that Aboriginal and Torres Strait Islander community representatives and ATSIC Regional Councils are fully involved in the planning, design and delivery of services and programs for Aboriginal and Torres Strait Islander people in their area.

Older People

2.87 One area on which the Committee focussed is access to aged care and the provision of appropriate accommodation for Aboriginal and Torres Strait Islander people. Many communities have difficulty in accessing this area of funding and discovering who is responsible for delivering aged care services to Aboriginal and Torres Strait Islander people.

2.88 The care of older people and the lack of facilities to adequately care for their needs in a culturally appropriate environment was raised on many occasions during the Inquiry. A problem expressed in a number of places around Australia was the difficulty in identifying the sources of funding for aged care and the difficulty of fully funding such care.

2.89 The Department of Health, Housing, Local Government and Community Services (DHHLG&CS) admitted that the aged care program is quite complex.³⁷ It has tried to simplify the programs in brochures prepared for urban and rural Aboriginal and Torres Strait Islander communities. Over the last five years there has been a quite significant increase in the provision of aged care specifically for Aboriginal and Torres Strait Islander people, just as there has been for child care places.³⁸ There are approximately 30 Aboriginal and Torres Strait Islander aged care hostels around Australia.³⁹

2.90 The regionalisation of the DHHLG&CS offices together with the appointment of Aboriginal and Torres Strait Islander Project Officers should go some way to overcoming the substantial barriers that have existed.

2.91 The Evaluation of the Access and Equity Strategy outlined briefly some of the problems that Aboriginal people in Port Hedland had in relation to aged care:

³⁷ Evidence, p66

³⁸ Evidence, p68

³⁹ Evidence, pS194

Most of those interviewed knew of the pensioners' homes in Port Hedland, as well as a nursing home for old people. However, they were not generally aware of the funding sources or arrangements, or of the procedure for accessing these funds.

The nursing home in Hedland was seen as being mainly for the benefit of non-Aboriginal people who were prepared to go there willingly. There was a need to employ Aboriginal staff, particularly those who know Aboriginal languages, to encourage Aboriginal use of the facility. However, a nursing home specifically for Aboriginal people was considered the best alternative, as 'there are huge differences in the ways of Aboriginal and white people, which can lead to conflict and one or the other feeling that they don't belong'.⁴⁰

2.92 Older people often wish to live more traditional lifestyles. At Amata in SA, the Committee was told of the old people's wishes to live in the open as much as possible. The community sought a little communal place with a verandah where the older people could take shelter from bad storms and where they could also be looked after properly when needed.

2.93 Tangentyere Council told the Committee that putting old people into aged peoples' homes was not very appropriate for Aboriginal people. A lot of old people in the town camps did not want to go into homes and different types of services are needed to look after their needs. Tangentyere is providing some services but is restricted by a lack of resources.

2.94 A number of groups to whom the Committee spoke, emphasised the need for aged care to be within the community so that people were not removed at a time when they most need community support, when the community needs access to its elders and where their extended family needs access to them.

2.95 Many organisations wishing to access or establish aged care facilities had great difficulties determining which funding body was responsible. Where organisations were active in developing aged care accommodation they were hindered in getting ongoing support for the projects. This was particularly apparent in the discussions with Booroongen Djugun Aboriginal Corporation (BDAC) at Kempsey (NSW) where there was a great deal of confusion as to who should provide funding. The BDAC has been working for years to establish a nursing home, an aged care hostel, training facilities and educational facilities. In their submission to the Inquiry BDAC stated:

Not one government department has the full responsibility for Aboriginal aged care. The two main departments that should have a funding responsibility for the Aboriginal aged, ATSIC and the

⁴⁰ M Allbrook, 'Access and Equity in Port Hedland', *Access and Equity Evaluation Research* 1992, Nov 1992, p59

Department of Health, Housing, Local Government and Community Services (DHHLGCS), emphatically deny that either department are responsible for all facets of aged care.⁴¹

However, ATSIC points out that it does not have a primary responsibility for Aboriginal and Torres Strait Islander aged care but that Aboriginal Hostels Ltd does.⁴²

2.96 With the example of the BDAC it was also suggested that Aboriginal or Torres Strait Islander organisations wishing to establish aged care accommodation for Aboriginal and Torres Strait Islander people were disadvantaged compared to mainstream organisations, and that when an Aboriginal organisation applied for funding, they faced many barriers.

2.97 The BDAC example highlights the problems faced by Aboriginal and Torres Strait Islander organisations in providing services such as aged care, not accessible through the mainstream. The DHHLG&CS provides the capital cost for the construction of the aged care facility but not all recurrent costs. These have to be met from other sources. Mainstream aged care often relies on income from a deposit, usually in excess of \$50,000, made by a resident on entering the facility, in addition to a percentage of their aged pension. Many Aboriginal and Torres Strait Islander aged residents are unable to contribute either. Without a clearer arrangement for the funding of Aboriginal and Torres Strait Islander aged care facilities, Aboriginal and Torres Strait Islander people will be denied access to services they are entitled to. ATSIC has pointed to the unsatisfactory arrangement whereby the Department of HHLG&CS sets requirements to be met for the provision of capital costs grants. These requirements affect recurrent costs to be met by another agency, such as Aboriginal Hostels Ltd. The DHHLG&CS subsidy is based on an assessed level of need for care. It does not make allowance for the cultural differences and small sizes and remote locations of Aboriginal and Torres Strait Islander communities.

2.98 The BDAC is dependent on other sources of funding, as the Department of Health, Housing, Local Government and Community Services only provides part funding. Evidence presented to the Committee by BDAC indicated that there were serious deficiencies in the co-ordination between DHHLG&CS and other agencies providing funding to this project.⁴³

2.99 The submission of the BDAC provides a condemnation of the overly bureaucratic management of DHHLG&CS in its approach to this project. They allege that a discriminatory approach has been taken in the requests for information and imposition of conditions which are not made of mainstream proposals.

⁴¹ Evidence, pS1008

⁴² Evidence, p148

⁴³ Evidence, pS1006

2.100 In assessing aged care it needs to be noted that Aboriginal and Torres Strait Islander people have much lower life expectancies than the wider Australian community. The National Aboriginal Health Strategy estimates:

*that the life expectancy of Aboriginal males is between 54.7 and 58.1 years, up to 22 years less than for all Australian males, and 62.6 and 67.6 for Aboriginal females, up to 15 years less than for all females.*⁴⁴

2.101 This has a direct bearing on the appropriateness of the age group targeted by Government departments and agencies in their programs for older people in the Aboriginal and Torres Strait Islander population.

2.102 The National Inquiry into the Human Rights of People with Mental Illness made the following points in relation to this issue:

*The Inquiry was told that the use of the term 'elderly' when talking about Aboriginal people does not always relate to old age in chronological terms. Aboriginal people's greatly reduced life expectancy means that those regarded as elderly may be in their forties or fifties, an age not considered old in the non-Aboriginal community.*⁴⁵

2.103 Exhibit No. 47 by Mr Terry Thommeny, Director of Nursing at Numbala Nunga Nursing Home/Hospital in Derby pointed out that:

*when applying this practice, the aged Aboriginal very rarely receives an 'Aged pension' or Superannuation/Long Service Leave entitlement. But then, not many Aboriginals, on average reach the age where they become eligible for Aged pensions etc. However, we should still remember, that we still have Aboriginals in the work force, who are entitled to these benefits, but due to life expectancy and in some cases lifestyle, do not reach the age to gain their benefits. Consequently, it is not a part of Aboriginal foresight to plan for senior years in life.*⁴⁶

2.104 The Committee agrees with his view that 'aged' as applied to the Aboriginal person, commences around the 45-50 year mark, when compared to the European of 60-65 year group. Hence the medical and physical needs differ vastly, but the way in which some services are delivered to the aged remains strictly categorised within a non-Aboriginal perspective.

⁴⁴ National Aboriginal Health Strategy Working Party, *A National Aboriginal Health Strategy*, March 1989, p13

⁴⁵ Human Rights and Equal Opportunity Commission, *Human Rights and Mental Illness, Report of the National Inquiry into the Human Rights of People with Mental Illness*, AGPS, 1993, p704

⁴⁶ Exhibit No. 47

2.105 It is not appropriate for a program to target certain age groups in the population, for example 65+ years, if Aboriginal and Torres Strait Islander people for the most part do not live this long. It may be more appropriate to target the Aboriginal and Torres Strait Islander population aged 45+. Older Aboriginal and Torres Strait Islander people would otherwise be disadvantaged as the program did not cater for their needs. The Committee notes that the DHHLG&CS indicated that in assessing mainstream aged care needs they looked at the population aged over 70. In assessing Aboriginal and Torres Strait Islander community needs they looked at the population aged over 50.

2.106 Mr Thommeny also outlines an approach to Aged Care accommodation for Aboriginal and Torres Strait Islander people that requires further, more detailed consideration by health service providers:

The issues relating to formulating Aged care services for Aboriginals, involve the entire community that will be directly responsible or affected by Aged Care Services right from the beginning of the project to when it is operative. This would include the design of the building that will eventually house and cater for the needs of the Aged, to the type of care givers that the community wish to be involved in the delivery of services to the participants. But once again, the Australian Aboriginal is having his needs anticipated and white standards imposed on him with no consultation taking place which recognises the unique characteristic requirements for the needs of the Aged.

Unfortunately, we are observing history repeating itself in a relatively short span of approximately forty years. In the nineteen fifties, we thought we knew better and the Aboriginal children were taken from their parents. Now in the nineteen nineties, we are once again taking away Aboriginals, this time, the Aged, from their communities and family because, we know what is 'good' for them.

2.107 Mr Thommeny suggested the following:

That with adequate training programs and resource links set up, Aboriginal Gerontology Health Workers are the most suitable and accepted care givers to provide these types of services. Having the insight to care appropriately to the lifestyle and culture for the Aged, this type of practice would be more acceptable to the community concerned. Unfortunately, at this point in time no course has been developed pertaining to Aged care for Aboriginal Health Workers. There are modules that are a part of courses, but none specific to Aboriginal Aged care. A submission has only recently been proposed (December 92) from the Numbala Nunga Nursing Home (Western Australia), through the PIP round of funding, seeking assistance in formulating an accredited course designed specifically to and for the needs of the Remote/Rural Aboriginal communities.

2.108 Mr Thommeny also suggested that Aboriginal Health Workers are not accepted by all Government Departments in Australia as having the appropriate skills. He argues that there is need for better recognition of the skills these people have, particularly where the objective is to enhance the quality of life of the aged.

The guidelines are hard and fast and state that only trained staff, as in Registered and Enrolled Nurses are capable of caring for the Aged. This does not take into account the nationality or lifestyle the resident originates from or type of life they have lead previously, 'trained nurses' have the appropriate skills to deal with these situations. I think not!

2.109 The Committee believes that the short term challenge is to provide culturally appropriate aged care in a variety of settings including urban, rural and remote communities. While adjustments need to be made to the age at which Aboriginal and Torres Strait Islander people are eligible for aged care, the long term challenge is to remove the need for this age differential.

2.110 The Committee recommends that:

the Minister for Health, Housing, Local Government and Community Services:

- . establish within his Department a unit responsible for designing and administering an Aboriginal and Torres Strait Islander aged care program; (Recommendation 15)
- . ensure that programs are developed in consultation with appropriate Aboriginal and Torres Strait Islander organisations which allow for the care of aged Aboriginal and Torres Strait Islander people in their own communities. Aboriginal and Torres Strait Islander staff should be involved in program design and in program administration, particularly field work; (Recommendation 16)

In co-operation with State and Territory Ministers:

- . ensure that culturally appropriate staff training requirements are developed for delivering aged care to Aboriginal and Torres Strait Islander people; (Recommendation 17)
- . ensure that training is provided for Aboriginal and Torres Strait Islander health workers in culturally appropriate aged care and that due recognition be given to their important role in the care of older Aboriginal and Torres Strait Islander people, through award and classification structures. (Recommendation 18)

Women

2.111 Women make up just over 50% of the Aboriginal and Torres Strait Islander population and play a significant role within Aboriginal and Torres Strait Islander societies. However, they formed a small minority on the first ATSIC Board and Regional Councils and an even smaller minority within the key managers groups of ATSIC and the public service generally. Four of the 20 members of the first ATSIC Board, including the Chairperson, were women and 25% of Regional Councillors were women. The lack of equitable representation of Aboriginal and Torres Strait Islander women within these groups risks the needs, aspirations and ideas of Aboriginal and Torres Strait Islander women being treated in a superficial and even ill-informed manner.

2.112 A great deal of family and community responsibility is shouldered by Aboriginal and Torres Strait Islander women. There is a greater need for departments and agencies to recognise this role and to ensure that they are consulted in planning programs and services that will affect them. There is also a need to ensure that programs and services are properly focussed to take account of the particular disadvantage that Aboriginal and Torres Strait Islander women face.

2.113 The report of the Aboriginal Women's Task Force in 1985 also highlighted the unequal position of Aboriginal and Torres Strait Islander women and that greater recognition of their special needs was needed. The report, *Women's Business*, identified the areas of health, housing, employment and education as women's top priorities.

2.114 The Committee's Report *Our Future Our Selves*, also drew attention to the role of Aboriginal and Torres Strait Islander women. That report recommended that:

there be at least one Aboriginal or Torres Strait Islander woman appointed to the Office of the Status of Women to ensure representation of all Australian women;

the Aboriginal and Torres Strait Islander Commission pay greater attention to the needs of women and ensure that their views are actively sought;

that the Office of Aboriginal Women⁴⁷ develop guidelines

- *for ensuring adequate representation of Aboriginal women in decision-making forums.*
- *for ensuring that all new policies and programs are reflective of the needs of Aboriginal women; and*
- *against which all current policies can be reviewed for their effectiveness and implications for Aboriginal women.⁴⁸*

2.115 In summary the report noted the following:

Unless particular approaches are developed to listen to Aboriginal women, there is a risk that the consultation process, and consequent policies and programs in Aboriginal affairs, will be ineffective in

⁴⁷ Now the Office of Indigenous Women

⁴⁸ House of Representative Standing Committee on Aboriginal and Torres Strait Islander Affairs, *Our Future Our Selves - Aboriginal and Torres Strait Islander Community Control Management and Resources*, AGPS, Canberra, August 1990, p65

relation to Aboriginal women. Strategies need to be developed to ensure that Aboriginal women are listened to and actively involved in decision making processes. Any approach should include:

- *adequate representation of Aboriginal women in policy/decision making forums; and*
- *the establishment of specific mechanisms in which Aboriginal women co-ordinate and define the services required to meet their needs.⁴⁹*

The Committee reaffirms its commitment to these previous recommendations and urges their full implementation.

2.116 These exact themes recurred throughout the discussions held for this Inquiry. Departments and agencies need to consult and negotiate with Aboriginal and Torres Strait Islander women's organisations if they are to achieve the objectives of access and equity.

2.117 Evidence from the Queensland State Office of ATSIC suggest that Aboriginal and Torres Strait Islander women are disadvantaged even before they get to the service provider:

..... from discussions I have had with Aboriginal women in relation to accessing health services that most of the time it has to do with an inability to get to the service, to start with - because of a lack of money, lack of child-care facilities or a lack of transport - but even when they get to the mainstream services they tend to find that they are not familiar with the sort of procedures involved in being admitted or asking to see the doctor. There is no-one there to tell them, and Aboriginal people tend to be shy and not ask questions. There is a lack of understanding about the protocols involved in using those services. Most people who are Aboriginal that I know - even myself - have experienced a certain degree of racism from the medical professions.⁵⁰

2.118 The Access and Equity Evaluation Report found that Aboriginal and Torres Strait Islander women also have significant barriers of language and culture. In particular, culturally appropriate health care was regarded as vital for Aboriginal and Torres Strait Islander women. Aboriginal and Torres Strait Islander women must have access to health care that takes into account their special needs and recognises their own cultural values.

⁴⁹ *Our Future Our Selves*, 1990, p65

⁵⁰ Evidence, p36-37

2.119 As mentioned in paragraph 2.54 there are strong cultural barriers to women gaining access to health services such as screening services:

Aboriginal women do not have access to information about preventative measures such as screening for either breast or cervical cancer, and they do not have information about options for treatments should they develop cancers. Because there has not been much education about cancer in Aboriginal communities, Aboriginal people do not have the same perception of the disease as white people.⁵¹

2.120 The Department of Health, Housing, Local Government and Community Service advised:

Indigenous women, for whom cervical cancer is the most prevalent form of cancer, are a particular target; late presentation rates after symptoms have appeared has resulted in mortality rates from cervical cancer approaching 100% in indigenous women in the NT, compared with 12% for the non-indigenous population.⁵²

2.121 Where screening services are available they sometimes have male staff or are in other ways culturally inappropriate. An internal examination is a cause of huge personal embarrassment (a 'big shame') to Aboriginal women and appropriate information and education is needed together with appropriate screening services if prevention and early detection is to be effective.

2.122 Culturally appropriate birthing facilities are essential if genuine access and equity for an important element of health care is to be provided to Aboriginal and Torres Strait Islander women. This was mentioned in paragraphs 2.50-2.53.

2.123 Problems of access are not limited to the cultural appropriateness of women's health services. In Port Hedland, the Committee heard that there was only one gynaecologist north of Carnarvon.

2.124 In many situations Aboriginal and Torres Strait Islander women bear the major responsibility for running the household, caring for children and care of older relatives. In addition, women tend to be more active in many community services and burnout is a frequent problem for some of these women. Domestic violence is also cited as a major problem for Aboriginal and Torres Strait Islander women. In Port Hedland, women sought help in assisting their men so that domestic violence could be reduced.

⁵¹ Maureen Kirk, 'An Aboriginal perspective on cancer', in *Aboriginal and Islander Health Worker Journal*, Vol 17, No. 3, May/June 1993

⁵² Evidence, pS218

2.125 The role of women and their health is described by one Aboriginal health worker:

*Aboriginal communities are built on a pyramid shape. At the base of the pyramid are the women. These women are the carers, the givers, the mothers and wives. They support the whole community. If these women don't stay healthy, the community support system breaks down. If the women get sick or die, the whole family structure collapses.*⁵³

2.126 Unless men's health problems are adequately addressed women's health also suffers. If men are not being treated for sexually transmitted diseases then the treatment of women becomes ineffective. See also paragraph 2.54.

2.127 Commonwealth programs set up over recent years to specifically benefit Aboriginal and Torres Strait Islander women, include ATSIC's Family Violence Intervention program, the Women's Initiatives program which provides support for Aboriginal and Torres Strait Islander women to develop, and control their own projects and the Support Network for Aboriginal and Torres Strait Islander parents (SNAP) set up by the Department of Social Security.

2.128 The National Aboriginal Health Strategy, introduced in 1991, includes many important projects including appropriate birthing centres, nutrition programs for mothers, policy development work on family violence and the establishment of nine new Aboriginal Health Services which provide services such as ante and post natal programs, family planning, contraception and sexually transmitted disease clinics and general gynaecological services.

2.129 Ensuring that the interests of Aboriginal and Torres Strait Islander Women are fully considered is the role of the Office of Indigenous Women (OIW) within ATSIC. The OIW consults with Aboriginal and Torres Strait Islander women through a network of regional co-ordinators and through initiatives such as the National Aboriginal and Torres Strait Islander Women's Conference held in 1992.

2.130 The Committee recommends that:

in implementing the Access and Equity Strategy, departments and agencies pay particular attention to the roles and needs of Aboriginal and Torres Strait Islander women, including their effective representation on policy making and consultative bodies.
(Recommendation 19)

⁵³ Maureen Kirk, 'An Aboriginal perspective on cancer', in *Aboriginal and Islander Health Worker Journal*, Vol 17, No. 3, May/June 1993, p12

Youth/Young People

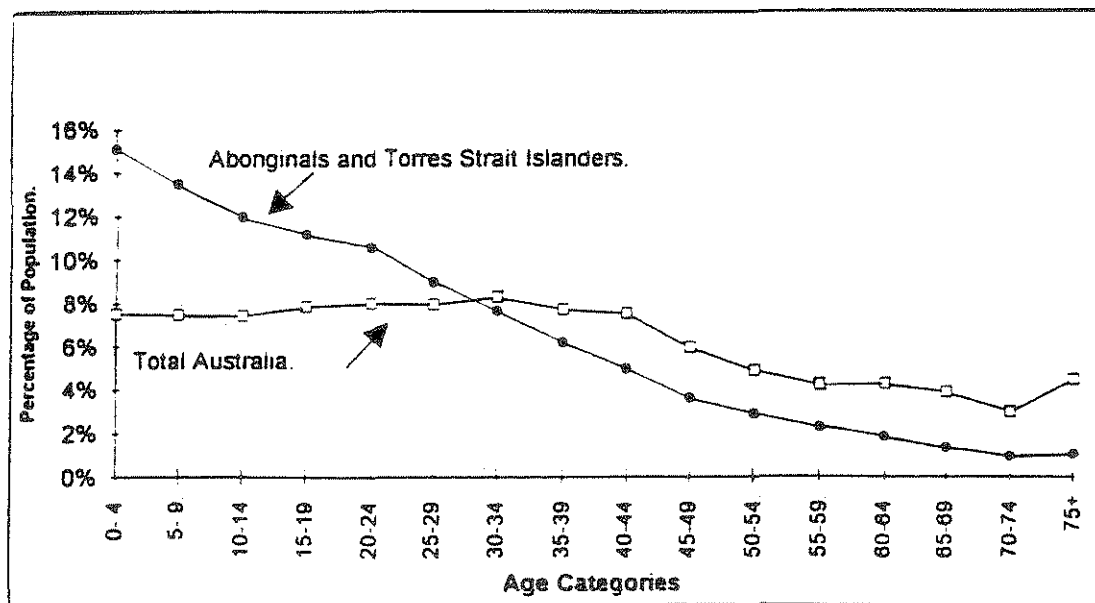
2.131 The Aboriginal and Torres Strait Islander population tends to be fairly young. This was outlined in the submission from ATSIC:

The Aboriginal and Torres Strait Islander population as a whole is a young population as over half are under the age of 20 years. In 1991, 21 per cent of the Aboriginal and Torres Strait Islander population was aged between 15-24 years. Aboriginal and Torres Strait Islander youth are as urbanised as the overall population with 68 per cent living in urban areas and 32 per cent living in rural areas.

Aboriginal and Torres Strait Islander youth are in double jeopardy as both their race and their youth compound their disadvantage. Their education rates, their participation in the workforce, and their over-representation in the court system are causes of concern. They suffer disadvantage in the participation rates in the labour force.⁵⁴

The age distribution of Aboriginal and Torres Strait Islander people compared to the total Australian population is shown in Figure 2.1.⁵⁵

Figure 2.1 Comparative Age Distributions in 1991



⁵⁴ Evidence, pS162

⁵⁵ Figure 2.1 is taken from *Social Justice for Indigenous Australians 1993-94*, circulated by the Hon R Tickner MP, Minister for Aboriginal and Torres Strait Islander Affairs, p10

2.132 As with youth everywhere, boredom is a major problem and providing resources for culturally appropriate activities can be a challenge. However, with over 70% of the Aboriginal and Torres Strait Islander population being under the age of 25 and over 50% being under the age of 20 the Committee did not see an appropriate level of youth services being provided. Where this provision is left to the community itself, it is obvious that less than 30% of the community will have difficulty looking after the other 70%. That is before making allowances for the provision of aged care, poor health levels and the impact of alcohol and other effects of dispossession, such as mental illness.

2.133 A number of groups sought some facility for taking youths on bush trips where culture could be strengthened, including the development of social responsibilities and respect for elders. At Amata, the Committee heard that prolonged bush trips were appropriate for dealing with petrol sniffing but that funding could not be gained for such trips from either drug and alcohol or other funding sources.

2.134 A problem identified by the Queensland State Office of ATSIIC was that the Aboriginal and Torres Strait Islander population was usually not separated into different groups of people, for example women, young people, older people and those with disabilities.

So women and the aged and youth tend to miss out on a lot of services, first because they do not know about them and second because they are usually in a more disadvantaged position than other members of the Aboriginal community.⁵⁶

2.135 The Danila Dilba Medical Service in Darwin identified a severe crisis with young Aboriginal men in the community. This was particularly in relation to mental health where the Committee was told by Danila Dilba that "Aboriginal people are being stuffed around" and dispossessed which is having a serious effect on their mental outlook. This resulted in self destructive behaviour, such as recklessness, alcohol abuse and drug taking. Many Aboriginal people, particularly young men, were taking their own lives. The problem appears to be affecting urban and traditional tribal people in equal proportions.

2.136 Homelessness was also a major area of concern identified to the Committee. The ATSIIC submission stated the following:

A particular area of concern is the growing number of homeless Aboriginal and Torres Strait Islander youth in urban areas and the need for provision to [be] made for adequate accommodation. At a basic level the causes of their itinerancy must be addressed. Lack of employment and training opportunities, inadequate access to recreational programs and sporting facilities, family poverty and breakdown, and substance abuse are all contributing causes.⁵⁷

⁵⁶ Evidence, p37

⁵⁷ Evidence, pS162-63

2.137 The Piabun Aboriginal Corporation was particularly concerned about the Aboriginal children who had dropped out of family services institutions and ended up on the streets. Submissions had been lodged with various funding agencies for a rural, cultural, education and training hostel but no agreement had been achieved between government agencies.

2.138 The Corporation is particularly frustrated by the funding approval process, whereby funding for the project cannot be approved unless there is local government approval. This local government approval cannot be gained unless there is a guarantee of funding for the project.

2.139 A site had been identified and land purchased for the hostel. The local council then changed the zoning provisions, preventing the project from going ahead. Another site has been obtained in another local government area, where the local government is supportive of the project.

2.140 The Piabun Aboriginal Corporation was formed because of a great concern for the future of Aboriginal and Torres Strait Islander youth. Piabun's main concern is to play a part in breaking the grip of social and cultural alienation which far too often leads to institutionalisation, hopelessness and despair.

2.141 The aim of the Piabun Aboriginal Corporation is to establish and maintain a rural based centre which will offer a range of programs. The main focus is to assist people who have experienced difficulties in their lives in mainstream society (for example serious family breakdowns and conflict with the law) and who require a setting which offers programs to assist them to develop positive living patterns and personal strengths. The desired outcome is for participants to be equipped with the ability to manage their own lives in society with a greater chance of success. The project offers appropriately based cultural values.

2.142 Youth homelessness was also an issue raised with the Committee in Melbourne, by the Victorian Aboriginal Legal Service, which was also concerned about the particular problem with drug and alcohol abuse. The Committee was told that eight out of ten young homeless people would end up in youth training centres, dead or in prison after robbing or assaulting people. Two out of those ten would be lucky and move onto something better.

2.143 A measure proposed to address this problem was an Aboriginal youth support program where Aboriginal people looked after the kids as an alternative to youth training centres. It was also stressed that there is a need to go back and look at setting up proper supports for the extended family unit in Aboriginal terms.

2.144 This was also highlighted in the overview of the response by Governments to the Royal Commission into Aboriginal Deaths in Custody.

Compared with the population generally Aboriginal and Torres Strait Islander people tend to be younger, more likely to be arrested and charged, less likely to be offered bail and therefore detained in custody,

*and finally, have a greater chance of receiving a custodial sentence rather than alternative penalties.*⁵⁸

The Report also adds:

*The Royal Commission recommended that 'the problems affecting Aboriginal juveniles are so widespread and have such potentially disastrous repercussions for the future that there is an urgent need for Governments and Aboriginal organisations to negotiate together to devise strategies designed to reduce the rate at which Aboriginal juveniles are involved in the welfare and criminal justice systems, and, in particular, to reduce the rate at which Aboriginal juveniles are separated from their families and communities.'*⁵⁹

2.145 The Royal Commission also outlined the disadvantage faced by Aboriginal and Torres Strait Islander young people in the criminal justice system by providing the following statistics about the 99 people who died in custody.

- . the median age of death was 29 years;
- . the median age for the first arrest was 16 years;
- . 43 were charged with an offence before the age of 15;
- . 74 were charged before the age of 19; and
- . 6 of those who died were under the age of 17.

2.146 The disadvantaged position of Aboriginal and Torres Strait Islander young people needs special attention and requires departments and agencies to recognise these special needs and design and deliver their programs according to these needs and priorities. This can only be achieved by involving young Aboriginal and Torres Strait people in the design of these programs.

⁵⁸ *Aboriginal Deaths in Custody, Overview of the Response by Governments to the Royal Commission*, AGPS, Canberra, 1992, p28

⁵⁹ *Aboriginal Deaths in Custody, Overview of the Response by Governments to the Royal Commission*, AGPS, Canberra, 1992, p29

2.147 The Committee recommends that:

In co-operation with other Aboriginal and Torres Strait Islander organisations and Commonwealth and State Departments, ATSIC establish, as a matter of priority, a Youth Task Force, within its Central Office to:

- **examine in detail and develop particular strategies required to tackle unemployment, homelessness, substance abuse and other issues affecting Aboriginal and Torres Strait Islander people under the age of 25; (Recommendation 20)**

- **co-ordinate the funding and implementation of these strategies across all levels, with ATSIC Regional Councils, other Aboriginal and Torres Strait Islander organisations and government departments and agencies. (Recommendation 21)**

CHAPTER 3

THE STRATEGY AND ITS OUTCOMES

3.1 The core of the Access and Equity Strategy has been a set of formal requirements which guide government departments in adjusting their programs and services to ensure that clients who may face barriers of language, culture, race or religion get equitable access to their entitlements. The Strategy seeks to ensure that these people have:

- . equal life chances and enjoy equitable access to an equitable share of the resources which the Commonwealth Government manages on behalf of the community; and
- . the opportunity to participate fully in society and in the decisions which directly affect them.

3.2 The Strategy has also been about changing peoples' ways of thinking and managing so that it becomes embedded in the management culture.

Detail of the Strategy

3.3 The Office of Multicultural Affairs describes Access and Equity as 'a concept, a principle and a policy given practical management content by a Strategy'.¹ The Strategy began in 1985 as a policy response to service provision for migrant people of non-English speaking background. In 1989 the Strategy was extended to include all groups who may face barriers of race, religion, language or culture. OMA observes that:

*Access and Equity is not about providing special services to migrants but about providing equal access to government services for all residents of Australia who may face barriers of race, culture, religion or language..... It is about the rights and entitlements all should expect to enjoy.*²

¹ Department of the Prime Minister & Cabinet, Office of Multicultural Affairs, *Access and Equity Evaluation Report 1992*, AGPS, Canberra, 1992, p11

² *Access and Equity Evaluation Report 1992*, p1

3.4 The OMA goes on to describe the core policy aspects:

Access and Equity are aspects of the principle of universalism in the delivery of government services, based on the concept of universal entitlement. The policy of Access and Equity represents a recognition that, while services may be universally applicable, they may not be equally accessible if they are uniformly designed and delivered. This is because the clientele may not be uniform. In response to the multicultural nature of Australian society, Access and Equity policy aims to deliver government programs and services, including associated policy-related activity, through mainstream channels while acknowledging the need for ethno-specific arrangements in certain circumstances.³

3.5 The aims and mechanism of the Strategy are described by OMA:

The Access and Equity Strategy seeks to remove any barriers of language, culture, race and religion which impede the delivery of government services to all residents of Australia. Barriers include those which result from incidental, structural or policy limitations within a department, such as a low level of awareness by policy-makers or managers of issues relating to the diversity of their potential clients.

The mechanism by which the Strategy is implemented consists of eleven requirements⁴ to assist departments address all who face particular barriers to access. These include the requirement to deliver services and implement programs in languages other than English when necessary, the requirement to sensitise policy development and service delivery staff to cultural, linguistic and racial factors, the requirement to provide opportunities for participation by members of the various cultural, linguistic and racial groups and the requirement to collect ethnicity data.⁵

3.6 All portfolios were required to produce a three-year Access and Equity Plan which identified obstacles to access and to equitable delivery. The Office of Multicultural Affairs has been given the responsibility of co-ordinating and monitoring the Strategy across all Government departments and agencies.

³ *Access and Equity Evaluation Report 1992, p12*

⁴ These are set out in Appendix 5. They have been replaced by the 43 recommendations set out in Appendix 10.

⁵ *Access and Equity Evaluation Report 1992, p12*

1992 Evaluation of the Access and Equity Strategy

3.7 An evaluation of the Access and Equity Strategy by the Office of Multicultural Affairs across all Commonwealth departments and agencies was concluded in October 1992.

3.8 As a result of this Evaluation, all departments and agencies are now required to report against 43 recommendations. These reports are used as a basis for an annual consolidated Access & Equity Review Report to the Prime Minister for tabling in Parliament. These recommendations are contained in Appendix 10.

3.9 Some of the key findings of the Evaluation of the Access and Equity Strategy are:

- . between 1986 and 1992 progress was made towards achieving Access and Equity goals and that the Access and Equity Strategy made a significant contribution to that end. It was concluded that while the causal links between the Strategy's impact and initiatives taken to advance Access and Equity objectives cannot always be demonstrated, the Strategy created a consciousness among managers and a climate conducive for them to occur;
- . the impact of the Strategy was variable on both clients and departments but that the net effect on the part of clients was to improve their access to services delivered by the government while for departments and agencies, the Strategy acted as an additional stimulus for change in the way they deliver services;
- . the application of all the requirements equally to all departments and agencies, or to all programs within a department or agency, was inappropriate due to the different roles they played and functions they performed;
- . there was a failure to understand at what points and to what degree the Access and Equity Strategy applies to departments and agencies, particularly those traditionally regarded as policy or commercially oriented and so, apparently, outside its orbit;
- . managers were not using the tools already available to them, as a consequence of the range of management reforms of the 1980s, to fulfil their Access and Equity implementation obligations. In future, it is hoped that departments and agencies will take primary responsibility for their own application of Access and Equity principles;
- . the critical role that the existence of a central co-ordinating agency played in acting as a catalyst to the Access and Equity Strategy. Nevertheless, this role was sometimes intrusive into departmental autonomies. It is recommended that the nature of this role change to

focus on the provision of practical assistance, such as identification of appropriate Access and Equity-related training and extension of Access and Equity appreciation to the regions;

the barriers to Access and Equity were inclined to be more marked and resistant to erosion in the case of Aboriginal and Torres Strait Islanders. Particular attention will need to be paid to the provision of services to Aboriginal and Torres Strait Islander peoples, and especially those living in urban areas;

in some case, ethno-specific provision is the most cost-efficient means to provide a service to some sectors of the population experiencing barriers to access;

the requirement to collect ethnicity data and, if collected, to use it appropriately, was least well met;

the extent of co-operation and co-ordination between departments and agencies was limited; and

Access and Equity costs. However, the evaluation also found that not all of Access and Equity costs. If managers design their programs and services to suit the marketplace of a diverse Australia in the first place, the result will be both more efficient and effective - and cost effective.⁶

The Role of the Office of Multicultural Affairs

3.10 The Evaluation of the Access and Equity Strategy found that the Office of Multicultural Affairs played a critical role as central co-ordinating agency and as a catalyst, a consciousness-raiser, a policeman and a watchdog on the Access and Equity Strategy. Had this role not been played, there would not have been the same amount of progress that is claimed to have been made in the implementation of the Access and Equity Strategy.⁷ The Committee accepts that the role of the Office of Multicultural Affairs is to co-ordinate the strategy and to monitor what Departments and Agencies are doing in relation to Access and Equity, however, the lack of effectiveness of OMA in relation to the outcomes for Aboriginal and Torres Strait Islander peoples is of serious concern.

3.11 The major focus of the Access and Equity Strategy is to make departments and agencies more responsive to the clients they are servicing. As stated, the Evaluation of the Access and Equity Strategy found that barriers for Aboriginal and

⁶ *Access & Equity Evaluation Report*, AGPS, 1992, p9-10

⁷ Department of the Prime Minister & Cabinet, Office of Multicultural Affairs, *Access & Equity Evaluation Summary*, AGPS, 1992, p11

Torres Strait Islander people are more marked and more resistant to erosion than for other target groups.

3.12 There are a number of reasons given for this. The fact that Aboriginal and Torres Strait Islander people have only been included as a target group in the Strategy since 1989 is a contributing factor in the Strategy not being effective for Aboriginal and Torres Strait Islander people. A number of agencies have not given Access and Equity any priority and some do not believe it applies to them. Another reason, in the Committee's view, is that the Office of Multicultural Affairs does not have the expertise or commitment to deal effectively with the Aboriginal and Torres Strait Islander aspects of the Strategy. The basis for the Committee's view is outlined below.

3.13 The Evaluation Report, the associated commissioned research, the evidence of the Office of Multicultural Affairs and the *Annual Report on Access and Equity*, indicate a weakness within OMA in dealing with Aboriginal and Torres Strait Islander access and equity issues.

3.14 As stated, a major focus of the Access and Equity Strategy is to make departments and agencies more responsive to the needs of client groups. However, the Office of Multicultural Affairs itself has failed to be more active in developing Aboriginal and Torres Strait Islander expertise within its own organisation. The OMA also has not succeeded in promoting the Strategy in respect of Aboriginal and Torres Strait Islander people.

3.15 In the Evaluation process, the Office of Multicultural Affairs has demonstrated an over-emphasis on migrant languages and issues to the exclusion and detriment of Aboriginal and Torres Strait Islander languages and issues. (See paragraphs 2.26-2.43) On its own, this blinkered approach is of considerable concern. That it occurs in a document purporting to evaluate access and equity issues is an appalling indictment of the Office. This is particularly so given the finding of the Evaluation that barriers to access and equity were more marked and resistant to erosion for Aboriginal and Torres Strait Islander people.⁸ The seriousness of these errors of judgement were confirmed when the First Assistant Secretary in charge of the Office of Multicultural Affairs responded to a question from the Committee about the use of Non-English Speaking Background (NESB) in the Evaluation excluding Aboriginal and Torres Strait Islander language speakers said:

*to be perfectly frank, I cannot recall our ever thinking of the implication of using that term NESB as implying that there is not a language problem for Aboriginal and Torres Strait Islander Australians. But it is one thing that we would look at.*⁹

⁸ *Access and Equity Evaluation Report 1992*, p9

⁹ Evidence, p177

When asked about the bias in the Evaluation and Research Reports he responded by saying:

*That is very interesting. That is very good feedback for us.....*¹⁰

3.16 Recommendation 7 of the Evaluation Report is that:

*Departments and agencies recognise and use the Translating and Interpreting Service (TIS) - notwithstanding the cost-recovering principle - as the key agency responsible for delivery of professional translating and interpreting services across the Australian Public Service (APS).*¹¹

3.17 Appendix F of the *Access and Equity Guide for APS Managers* states:

If you need to use an interpreter to communicate with a client, or to provide written information in a language other than English, TIS can help you.

The full text of this Appendix is contained in Appendix 6 of this report.

3.18 The Committee finds these to be further prime examples of the insensitivity of a government agency to Aboriginal and Torres Strait Islander people. Like the Telephone Interpreter Service itself, the OMA continues to behave as though Aboriginal and Torres Strait Islander languages do not exist.

3.19 Despite warning departments that the Access and Equity Strategy:

is not an 'add-on' to the many and varied tasks of an Australian Public Service (APS) manager, but should be planned for, implemented and reported upon as an integral part of the conduct of Government business

the Office of Multicultural Affairs seems to regard the Aboriginal and Torres Strait Islander aspects of the strategy as an 'add-on' to migrant issues. The whole tone of the Evaluation Report and the Research Papers is one of addressing issues affecting non-English speaking migrants with an occasional aside mentioning Aboriginal and Torres Strait Islander issues. The Committee has dwelt at some length on the failure of OMA to adequately recognise the language barriers facing many Aboriginals and Torres Strait Islanders. This failure is indicative of a wider failure to give adequate recognition of the barriers of race, culture, religion or language facing Aboriginal and Torres Strait Islander peoples.

¹⁰ Evidence, p177

¹¹ *Access and Equity Evaluation Report 1992*, p124

3.20 In the volume of 22 research papers, commissioned as part of the Review¹², few directly address barriers specifically faced by Aboriginals and Torres Strait Islanders. Many of the papers are limited to the notion that the concept of Non-English Speaking Background (NESB) applies only to migrants and consequently only deal with migrant issues. The case studies of access and equity in a few of the selected locations generally pay close attention to the barriers specifically facing Aboriginal and Torres Strait Islander people. Papers on the impact on youth services and use of community legal centres do not mention Aboriginal and Torres Strait Islander issues. A major paper on monitoring and evaluating access and equity initiatives and strategies not only does not address Aboriginal and Torres Strait Islander issues but Aboriginal and Torres Strait Islander peoples are not even listed as a target group for access and equity.¹³

3.21 The Evaluation Report recommended that:

*The Commonwealth consider establishing a community-based consultative committee to provide feedback on Access and Equity implementation. (Recommendation 43(c)).*¹⁴

In the *Access and Equity Annual Report 1993* released in November 1993 OMA advises that:

*The Settlement Advisory Council, on which OMA is represented, has had its role extended formally to undertake this role. The Settlement Advisory Council was formed in 1992 to advise the Minister for Immigration and Ethnic Affairs on settlement needs from the community perspective. Members are appointed for their experience and interest in migrant and multicultural issues.*¹⁵

OMA does not explain how this Council can provide indigenous community feedback.

3.22 The largest target group in the Access and Equity Strategy is that of migrants from a non-English speaking background and their children. The Committee in no way detracts from the serious barriers faced by many people in this group in accessing services intended for them. However, in the handling of the Strategy and its evaluation, migrant issues have been allowed to swamp Aboriginal and Torres Strait Islander issues. In a strategy meant to identify and remove barriers to access this should never have been allowed to happen.

¹² Department of the Prime Minister & Cabinet, Office of Multicultural Affairs, *Access and Equity Evaluation Research 1992*, AGPS, Canberra.

¹³ J Howard and G Gamkrelidze, 'Monitoring and evaluating access and equity initiatives and strategies' in *Access and Equity Evaluation Research*, p 157-8

¹⁴ *Access and Equity Evaluation Report 1992*, p130

¹⁵ *Access and Equity Annual Report 1993*, AGPS, Canberra, p34

3.23 There is a serious deficiency in the way in which the Office of Multicultural Affairs has handled the Access and Equity Strategy, particularly the evaluation process. It is reflected in the evaluation report and in the subsequent guide for Australian Public Service managers. The Office of Multicultural Affairs claimed it lacked sufficient expertise despite efforts to gain suitable staff. The Committee believes these errors are of a self-evident nature and that this is a clear indication of the unsuitability of the Office of Multicultural Affairs to be responsible for co-ordinating the Access and Equity Strategy as it relates to Aboriginal and Torres Strait Islander people.

3.24 An alternative agency exists, which could provide a more thorough and sensitive oversight of the Access and Equity Strategy as it applies to Aboriginal and Torres Strait Islander peoples. The position of the Aboriginal and Torres Strait Islander Social Justice Commissioner was created to provide:

An independent agency scrutinising and reporting on the progress of governments in tackling issues of Aboriginal and Torres Strait Islander disadvantage [it] is a vital part of ensuring that Australia meets its international human rights obligations.¹⁶

The Committee believes the Aboriginal and Torres Strait Islander Social Justice Commissioner, having an emphasis on individual rights is well suited to carry out this task with greater effectiveness.

3.25 The Committee recommends that:

the co-ordination of the Access and Equity Strategy for Aboriginal and Torres Strait Islander people be separated from the Office of Multicultural Affairs and be established as a separate unit, with appropriate resources, under the responsibility of the Aboriginal and Torres Strait Islander Social Justice Commissioner of the Human Rights and Equal Opportunity Commission; (Recommendation 22)

the Aboriginal and Torres Strait Islander Social Justice Commissioner includes in his/her annual report to Parliament an evaluation of the access and equity performance of departments and agencies in relation to Aboriginal and Torres Strait Islander people. (Recommendation 23)

¹⁶ Joint Media Release, the Attorney-General and the Minister for Aboriginal and Torres Strait Islander Affairs, 31 March 1992

Non-English Speaking Background

3.26 In 1987 the National Population Council provided a definition of Non-English Speaking Background:

Non-English-speaking background (NESB) is used to describe someone whose first language is not English or whose cultural background is derived from a non-English-speaking tradition. It is therefore a cultural/linguistic term and may include English-speakers or non-English-speakers, overseas-born and Australian-born.

In the access and equity policy context this term is useful as program managers need to consider both language and cultural factors in examining ways of breaking down the barriers to full participation in Australian society.¹⁷

3.27 Despite this accurate definition, the term Non-English-Speaking Background is commonly misused within the Australian Public Service to refer only to those of migrant origins. The term has a clear Plain English meaning but has come to acquire a more limited and discriminatory meaning.

3.28 The Office of Multicultural Affairs in both its Evaluation Report and Research Papers generally uses the term Non-English Speaking Background (NESB) to refer only to migrants of a non-English speaking background and their children. This again denigrates Aboriginal and Torres Strait Islander people of a non-English speaking background by behaving as though they do not exist. In the first of the Research Papers, inappropriately titled *Access and Equity: the Basic Concepts*, the researcher James Jupp writes:

NESB is based on birthplace rather than competence in English and embraces a wide range of social experience. NESB I (overseas-born) constitute about 15% of the population and NESB II (Australian-born to NESB I parents) bring the category up to about 22% of the population.

3.29 This lack of care in definitions has directly disadvantaged Aboriginal and Torres Strait Islander people for whom English is not their first language or who do not speak English at all.

3.30 The National Health Strategy produced six issues papers. Issues Paper No. 6 bears the title *Removing cultural and language barriers to health*. Despite

¹⁷ Department of Local Government and Ethnic Affairs, National Population Council Ethnic Affairs and Settlement Committee, *Guide to appropriate use of terminology employed in the context of immigration, multi-culturalism and ethnic affairs*, AGPS, Canberra, August 1987, p3

claiming 'This paper looks at how the health system cares for people from non-English speaking backgrounds', the paper does not address the needs of the 36,000 NESB Aboriginal and Torres Strait Islanders.¹⁸ This omission occurs in the face of Aboriginal and Torres Strait Islander people being identified as having very low health standards and facing similar difficulties to other NESB people in accessing health services. The language services and other strategies identified do not assist these people in any way. Aboriginal and Torres Strait Islander access to health services does not appear to have been addressed in any of the other 5 issues papers.

3.31 The exclusion of Aboriginal and Torres Strait Islander people of non-English speaking background becomes almost an art-form in a document from the Office of the Status of Women¹⁹ which goes into exquisite definitional detail (the full definition is included in Appendix 7). In defining 'NESB women' the following is included:

A group wrongly excluded is that of minority, or Aboriginal or other indigenous communities. Examples where immigrants from countries classified as English speaking are non-Anglophone include:

- . *Francophone Canadians*
- . *Afrikaans-speaking South Africans*
- . *New Zealand Maoris.*

The report goes on to completely ignore NESB Aboriginal and Torres Strait Islander women. An earlier report from the same source, on *Women and language services*²⁰ again ignores NESB indigenous women. The Committee is appalled that Commonwealth funds are being used on such discriminatory publications.

3.32 A pamphlet produced by the Public Service Commission aimed at reducing discrimination, *Accents are Everywhere - Maximising Diversity in the Australian Public Service* gives some useful advice about avoiding discrimination. However under a heading 'Accents are everywhere' the brochure states:

Australia is one of the most multicultural countries in the world. In 1986 over forty per cent of the Australian population was born overseas or was the child of a person born overseas (1986 Census).

¹⁸ This figure would much higher than 36,000 if those born to indigenous NESB people were added. Source: Australian Bureau of Statistics, *Census 86 - Australia's Aboriginal and Torres Strait Islander People*, Australian Bureau of Statistics, Canberra, 1991, p42

¹⁹ Office of the Status of Women, Commonwealth-State Council on Non-English Speaking Background Women's Issues, *Blue Collar and Beyond - The Experience of Non-English Speaking Background Women in the Australian Labour Force*, AGPS, Canberra, 1993, p8

²⁰ Office of the Status of Women, Commonwealth-State Council on Non-English Speaking Background Women's Issues, *Women and language services "How can we tell you how will we know?"*, AGPS, Canberra, 1992

*There are over 100 different languages spoken in Australia but the English language holds a position of dominance.*²¹

3.33 In ignoring Aboriginal and Torres Strait Islander languages, Aboriginal English and accents, the Commission is spreading a discriminatory message when it should be working actively to end all such discrimination. Attention to Aboriginal and Torres Strait Islander issues such as differences in language, culture, race and religion needs to permeate all government activity if the marginalisation of Aboriginal and Torres Strait Islanders is to cease. Without a more thorough and consistent change in the management culture of the Australian Public Service the Access and Equity Strategy cannot be fully effective.

3.34 Among other objectives, the Equal Employment Opportunity (EEO) Programs of Commonwealth agencies are required to include action to be taken to:

- a *examine practices in relation to employment matters to identify any practices or patterns of inequality of opportunity;*
- b *eliminate any practices and eliminate or ameliorate any patterns identified as unjustifiably discriminatory.*²²

3.35 The four groups which are covered by EEO Programs are women and the three designated groups. The term 'designated group' is defined in subsection 7(1) of the *Public Service Act 1922* as:

any of the following persons:

- a *members of the Aboriginal race of Australia or persons who are descendants of the indigenous inhabitants of the Torres Strait Islands;*
- b *persons who have migrated to Australia and whose first language is a language other than English, and the children of such persons;*
- c *persons who are physically or mentally disabled; and*
- d *any other class of persons declared by the regulations to be a designated group for the purpose of this definition.*

²¹ Public Service Commission, *Accents are Everywhere*, AGPS, Canberra, 1992, p4

²² Public Service Commission, *Equal Employment Opportunity - A Strategic Plan for the Australian Public Service for the 1990s*, AGPS, Canberra, 1993, p39

3.36 The Australian Public Service's Equal Employment Opportunity Strategy prepared by the Public Service Commission is also discriminatory against NESB Aboriginal and Torres Strait Islanders in that it only counts NESB migrants and their children for EEO reporting purposes.²³ Other EEO disadvantages can be counted more than once in EEO profiles but the double disadvantage of being Aboriginal or Torres Strait Islander and being from a non-English speaking background cannot. This again sends the wrong message in a document meant to remove barriers.

3.37 In the Public Service Commission's EEO Strategic Plan, the promotion of the Linguistic Availability Performance Allowance is restricted to migrant NESB staff.²⁴ The Australian Bureau of Statistics definition of NESB and that of the Continuous Record of Personnel maintained by the Department of Finance as outlined in the EEO Strategic Plan are deficient in that they are restricted to migrant NESB.²⁵

3.38 This continued ignorance of Aboriginal and Torres Strait Islander language and cultural needs across all Government departments highlights the total failure of the Office of Multicultural Affairs to adequately address Access and Equity strategies for Aboriginal and Torres Strait Islander people. The Committee notes however that it is individual departments and agencies which are responsible for identifying barriers and preparing their own Access and Equity plans and removing discriminatory definitions.

²³ Public Service Commission, *Equal Employment Strategy - A Strategic Plan for the Australian Public Service for the 1990s*, Canberra, 1993, p28-9

²⁴ Public Service Commission, *Equal Employment Opportunity - A Strategic Plan for the Australian Public Service for the 1990s*, AGPS, Canberra, 1991, p20

²⁵ Public Service Commission, *Equal Employment Opportunity - A Strategic Plan for the Australian Public Service for the 1990s*, AGPS, Canberra, 1993, p28

3.39 The Committee recommends that:

- . the Public Service Commission remove the provisions in its Equal Employment Opportunity Strategy which discriminate against Aboriginals and Torres Strait Islanders from a non-English speaking background; (Recommendation 24)

- . the Public Service Commission take steps to ensure that the term Non-English Speaking Background is used appropriately and in a non-discriminatory way throughout the Australian Public Service; (Recommendation 25) and

- . that subsection 7(i) of the *Public Service Act 1922* be amended to cover all people of a non-English speaking background and their children, including Aboriginal and Torres Strait Islander people. (Recommendation 26)

CHAPTER 4

COMMONWEALTH, STATE, TERRITORY AND LOCAL GOVERNMENT RESPONSIBILITIES

4.1 Most human service delivery is the primary responsibility of State and Territory governments. However there seems to be much confusion on the responsibilities of each of the three tiers of government in the delivery of services to Aboriginal and Torres Strait Islander people and communities, particularly in relation to health, education, welfare, legal aid and the provision of essential services such as water, sewerage and electricity.

4.2 In Audit Report No. 36 of 1992-93 which looked at programs providing Aboriginal and Torres Strait Islander community infrastructure the Auditor General found that:

The respective responsibilities of Commonwealth, State/Territory and local Governments in the provision of community infrastructure to indigenous communities are unclear and ATSIC may be funding projects properly the responsibilities of other levels of government.¹

This is not a new discovery as previous reports of the Committee, such as *Our Future, Our Selves* and *Mainly Urban* have described this problem at some length.

4.3 Dr Shergold, Chief Executive Officer of ATSIC told the Committee:

I think the Auditor-General's assessment is absolutely correct. Last year ATSIC spent something like \$12 million on the provision of water supplies to Aboriginal communities; \$7 million on road construction; \$6 million on power supply; \$6 million on putting in sewerage systems. The Auditor-General is correct in saying that some of that expenditure should not have had to come from ATSIC coffers, that state and local governments should have themselves met some of those needs.²

4.4 This confusion over Commonwealth responsibilities was recently highlighted in the *Report of the Independent Commission to Review Public Sector Finances - Agenda for Reform*, to the Western Australian Government (the McCarrey Report)

¹ The Auditor-General, *Audit Report No. 36, 1992-93, Project Audit, Aboriginal and Torres Strait Islander Commission, Community Infrastructure*, AGPS, Canberra, 1993, p vii

² House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, *Inquiry into Auditor-General's Reports No. 36 of 1992-93 and No. 1 of 1993-94*, evidence, 18 November 1993, p8

which conducted an examination of the finances and operations of major departments, government agencies, statutory authorities and others as were referred to the Commission.

*As a result of past Commonwealth/State agreements following the 1967 Referendum, the Commonwealth has a direct responsibility for funding specific services to Aboriginal communities that are a State responsibility to the wider community. This particularly relates to capital works associated with housing, water, sewerage and roads to remote areas.*³

This report wrongly claims that the responsibility for the provision of these services lies with the Commonwealth and that the states do not have responsibilities in these areas. The report also adds:

*There has been a marked lack of planning, co-ordination and co-operation between the Commonwealth and the State in the development of new communities and the provision of infrastructure, essential services, housing and environmental health services.*⁴

4.5 In evidence to the Committee on another inquiry Dr Shergold, the Chief Executive Officer of ATSIC, observed:

*It does also seem to me that the [Aboriginal Affairs] chapter in the McCarrey report is a clear contravention of the national commitment which was reached between Heads of Government and which, I understand from the meeting of the Australian Aboriginal Affairs Council last month, is accepted by the present State Government. It is for that reason that I do not believe the State Government will wish to pursue too rigidly the suggestions made in the McCarrey report, at least in so far as they relate to Aboriginal people.*⁵

4.6 The confusion on the responsibility of the Commonwealth was also highlighted in the submission by the Central Australian Aboriginal Congress Inc. which states that:

ATSIC is responsible for the full range of issues affecting Aboriginal people, including health ; and

³ Western Australian Independent Commission to Review Public Sector Finances, *Agenda for Reform*, Volume 2, Perth, 1993, p272

⁴ Western Australian Independent Commission to Review Public Sector Finances, *Agenda for Reform*, Volume 2, Perth, 1993, p272

⁵ House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, Inquiry into Auditor-General's Reports No. 36 of 1992-93 and No. 1 of 1993-94, Evidence, 18 November 1993, p19-20

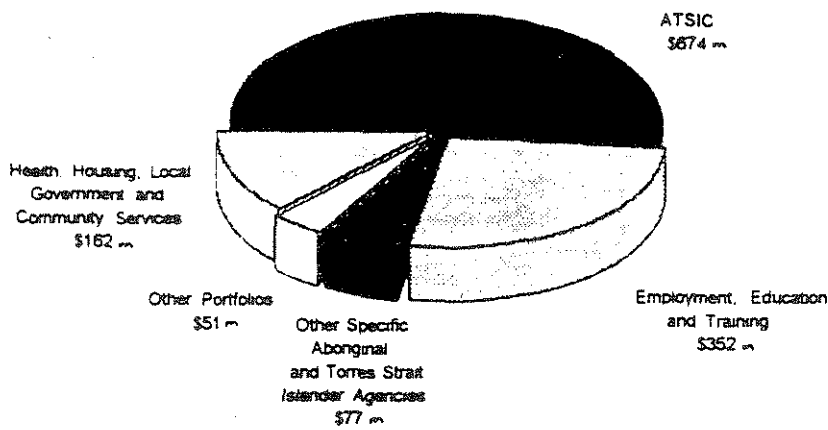
*the Commonwealth responsibility for Aboriginal health should revert to the Department of Health, Housing, Local Government and Community Services, to ensure that the issue of health gets the strategic focus it deserves. ATSIC lacks health expertise, while the Department of Health has some considerable experience in developing national strategies such as the Rural Health Strategy, the Mental Health Strategy and the Better Health Program.*⁶

4.7 ATSIC should not be seen to be the sole, or even major provider, for Aboriginal and Torres Strait Islander health services although it does have responsibility under its legislation to co-ordinate the formulation and implementation of policies by other agencies affecting Aboriginal and Torres Strait Islander peoples. State and Territory governments have the primary responsibility for the delivery of health services and for ensuring that these are accessible by being culturally appropriate for Aboriginal and Torres Strait Islander people. The Commonwealth provides certain funding to the States and Territories for health purposes. At a national level, health issues are the prime responsibility of the Department of Health, Housing, Local Government and Community Services.

Commonwealth Expenditure on Aboriginal Programs

4.8 In 1992/93, the total Commonwealth Budget outlays were \$111.5 billion. The total of all Commonwealth outlays across all Departments (including ATSIC) on programs specifically for Aboriginal and Torres Strait Islander people was \$1316 million, or 1.18 percent of the total budget. ATSIC's share of this amount was \$674 million or 0.6% of total Commonwealth outlays. Figures 4.1-4.3 show Commonwealth outlays by portfolio, by function and by programs.⁷

**Figure 4.1 Commonwealth Outlays by Portfolio :
Aboriginal and Torres Strait Islander Programs 1992-93**



⁶ Evidence, pS560

⁷ Figures 4.1-4.3 are taken from *Social Justice for Indigenous Australians 1993-94*, circulated by the Hon R Tickner MP, Minister for Aboriginal and Torres Strait Islander Affairs, p33-35

**Figure 4.2 Commonwealth Outlays by Function :
Aboriginal and Torres Strait Islander Programs 1992-93**

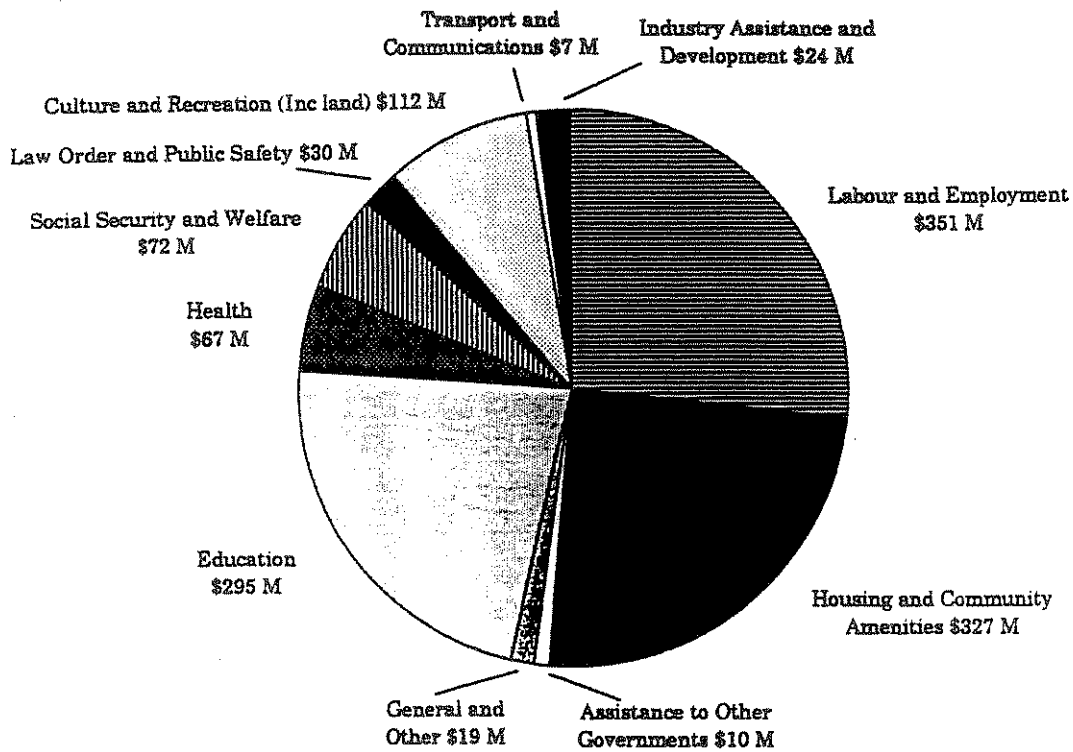
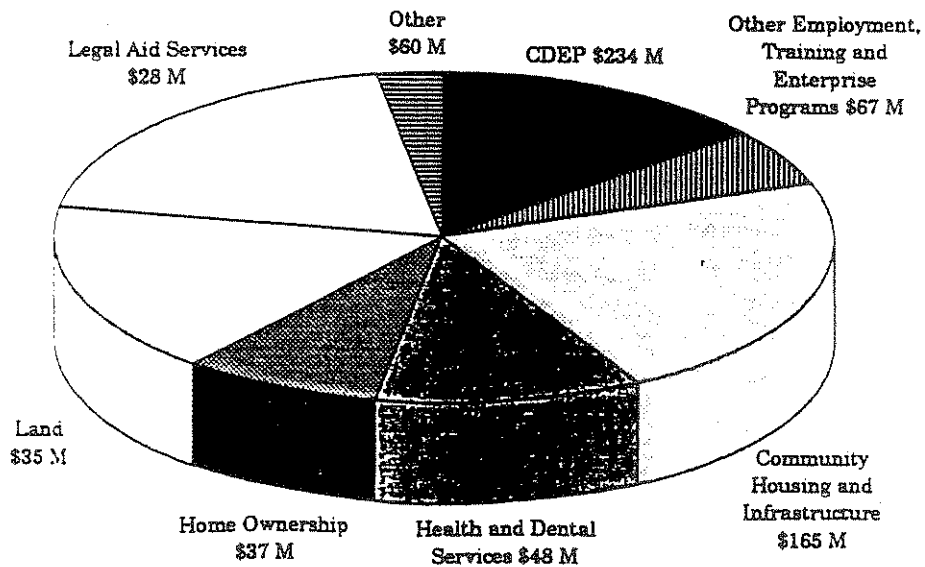


Figure 4.3 ATSIC Outlays by Programs 1992-93



4.9 Most Government departments are also expected to allocate funds to activities aimed at overcoming Aboriginal and Torres Strait Islander disadvantage as part of their mainstream programs. There is no clear picture of how much money is expended in this way, specifically on Aboriginal and Torres Strait Islander people. However, as this report shows, Aboriginal and Torres Strait Islander access to non-targeted mainstream programs is poor.

4.10 In July 1991, when Australia's last population Census was held, over 265,000 people identified themselves as Aboriginals or Torres Strait Islanders. This represented 1.6% of the total population. Of these, 26,700 identified as Torres Strait Islanders.

Aboriginal and Torres Strait Islander Commission (ATSIC)

4.11 The Aboriginal and Torres Strait Islander Commission is the main Commonwealth body operating in the field of Aboriginal and Torres Strait Islander Affairs. It was established by the *Aboriginal and Torres Strait Islander Commission Act 1989* and began operations on 5 March 1990, amalgamating the previous Department of Aboriginal Affairs and the Aboriginal Development Commission. It is a unique organisation that combines representative, policy-making and administrative elements.

4.12 The representative arm now consists of 36 elected Regional Councils across Australia. (In the first elections there were 60 Regional councils.) These have between 10 and 20 members depending on the population of each area. The first regional council elections were held in November 1990 and Regional Councils held their first meetings early in 1991. 1991-1992 was the first full year in which the Regional Council structure was in place. Elections will be held on 4 December 1993 for the second round of Regional Councils.

4.13 There are now 19 Commissioners who make up the ATSIC Board, which is the main policy-making body in Aboriginal and Torres Strait Islander Affairs. There are 17 elected Commissioners from the 17 zones and two appointed by the Minister for Aboriginal and Torres Strait Islander Affairs. The Minister also appoints the Chairperson from these 19 Commissioners.

4.14 ATSIC's administration is staffed by public servants and headed by a Chief Executive Officer. It supports the activities of the Regional Councils and the Board of Commissioners, and directly administers national programs that have been excluded from Regional Council budgets. Across Australia 46% of ATSIC staff are Aboriginal or Torres Strait Islander and the Commission's target is to raise this to 60% over the next 5 years.

4.15 The ATSIC administration is divided into three tiers with a Central Office in Canberra, State Offices in all Capital cities and an extensive network of Regional Offices. Out of ATSIC's total funding 14% goes on administration including the

representative arm and 86% goes to organisations.⁸ Many individuals and organisations the Committee spoke with believed that a large proportion of ATSIC funds was spent on administration.

4.16 Though established under the *ATSIC Act*, Regional Councils are independent bodies. Section 94 sets out their functions, which include formulating a regional plan, and making proposals (in accordance with section 97 of the Act) for ATSIC expenditure in their regions. ATSIC funds approximately 1500 community organisations.

4.17 As stated an important function of each Regional Council is to develop a regional plan for improving the economic, social and cultural status of Aboriginal and Torres Strait Islander residents of the region. Most Regional Councils have now completed their draft Regional Plans, with varying degrees of co-operation from Commonwealth, State, Territory and local government agencies.

4.18 This important planning role of the Regional Councils must be recognised by Departments and agencies at all levels, if co-ordination is to be effective. The major effort must now be in the co-operation of relevant agencies to achieve the objectives outlined in the individual plans, and to fulfil their responsibilities to improve outcomes for Aboriginal and Torres Strait Islander people in the regions.

4.19 It must be emphasised that ATSIC has only been in place for three years. The failure of past policies in relation to Aboriginal and Torres Strait Islander affairs to adequately address the needs and aspirations of Aboriginal and Torres Strait Islander peoples should not be attributed to ATSIC. All Government departments at all levels of government share the responsibility for the outcomes being experienced.

4.20 ATSIC has a number of objectives which are outlined in the *Aboriginal and Torres Strait Islander Commission Act 1989* :

In recognition of the past dispossession and dispersal of the Aboriginal and Torres Strait Islander peoples and their present disadvantaged position in Australian society:

- a to ensure maximum participation of Aboriginal persons and Torres Strait Islanders in the formulation and implementation of government policies that affect them;*
- b to promote the development of self-management and self-determination among Aboriginal persons and Torres Strait Islanders;*
- c to further the economic, social and cultural development of Aboriginal persons and Torres Strait Islanders; and*
- d to ensure coordination in the formulation and implementation*

⁸ Evidence, p572

of policies affecting Aboriginal persons and Torres Strait Islanders by the Commonwealth, State, Territory and local governments to provide services to their Aboriginal and Torres Strait Islander residents.

4.21 To achieve this legislative responsibility, ATSIC also requires the co-operation and commitment of all other service deliverers. State and Local Government authorities in particular need to appreciate that ATSIC has a different political, consultative and administrative structure and culture to mainstream Government departments. Because it combines both the political and administrative elements in one organisation, it is more directly in tune with the communities it serves.

4.22 The report *Social Justice for Indigenous Australians 1993-94* which consolidates the Federal Budget's provisions for indigenous Australians sets out four objectives:

- . *to establish the social, economic, cultural and historical setting for the Commonwealth's policies relating to the Aboriginal and Torres Strait Islander peoples of Australia;*
- . *to provide an overview of Commonwealth programs specifically for, or of particular relevance to, the Aboriginal and Torres Strait Islander peoples;*
- . *to sustain high standards of accountability for those programs to the Parliament, to the Australian people generally and to the Aboriginal and Torres Strait peoples themselves; and*
- . *to bring together in one document descriptions of the relevant activities of all Commonwealth departments and agencies.⁹*

4.23 The Aboriginal and Torres Strait Islander Commission was responsible for the co-ordination of information contained in the paper. This is consistent with a function of ATSIC as outlined in section 7.1.b of the ATSIC Act 1989 which is:

to monitor the effectiveness of programs for Aboriginal persons and Torres Strait Islanders, including programs conducted by bodies other than the Commission.¹⁰

4.24 The paper not only identifies Aboriginal and Torres Strait Islander programs in departmental and agency budgets but also relevant components and projects within larger programs of general application. The programs are categorised as to whether they are:

- . *specifically for Aboriginals and Torres Strait Islanders;*

⁹ *Social Justice for Indigenous Australians 1993-94*, AGPS, Canberra, 1993

¹⁰ *Aboriginal and Torres Strait Islander Commission Act 1989*

mainstream, but with an identifiable element designed to meet the particular needs of Aboriginal and Torres Strait Islander people; and

*mainstream, but with particular relevance to Aboriginal and Torres Strait Islanders.*¹¹

4.25 While this is an important measure to address issues of accountability, and in outlining the programs available to Aboriginal and Torres Strait Islander people, the Committee believes that there needs to be a process whereby the effectiveness and utilisation of these programs by Aboriginal and Torres Strait Islander people can be monitored.

4.26 The Committee recommends that:

the Prime Minister seeks adoption by the Council of Australian Governments of the Access and Equity Strategy for Aboriginal and Torres Strait Islander people within each State and Territory and also seeks the implementation of the co-operation and co-ordination in the delivery of services to Aboriginal and Torres Strait Islander people, as already agreed to at the Council's meeting in December 1992; (Recommendation 27)

that the publication *Social Justice for Indigenous Australians*, which is published at the time of the Federal Budget each year, be expanded to include not only details of total government outlays on Aboriginal and Torres Strait Islander services but also an evaluation of the effectiveness and utilisation of these programs, including their inter-relationships with mainstream government services; (Recommendation 28)

¹¹ *Social Justice for Indigenous Australians 1993-94*, p75

The Committee further recommends that:

the unit responsible for co-ordinating the Access and Equity Strategy as it relates to Aboriginal and Torres Strait Islander people ensures that Regional Councils are fully consulted by all Government departments and agencies on the planning, design and delivery of their programs and services, to achieve much greater co-ordination and to maximise competent community input and effective, properly targeted delivery.
(Recommendation 29)

departments and agencies should develop internal consultative mechanisms to address Access and Equity for Aboriginal and Torres Strait Islander people and where advice is necessary on the development of these structures, they should approach the Aboriginal and Torres Strait Islander Commission.
(Recommendation 30)

4.27 The Committee's main focus in this Inquiry has been on the major service delivery departments, such as the Departments of Social Security; Employment, Education and Training; Health, Housing, Local Government and Community Services; and the Aboriginal and Torres Strait Islander Commission.

4.28 It should be noted, however, that all Commonwealth departments and agencies have responsibilities to all residents of Australia, including Aboriginal and Torres Strait Islander peoples.

4.29 The Evaluation of the Access and Equity Strategy found that policy departments, for example Finance, Treasury, Industrial Relations and Prime Minister and Cabinet experienced the most difficulty in finding meaningful and practical applications for the Strategy internally. The Evaluation also found that the attempt by Government to apply the Strategy beyond service delivery agencies directly involving the public and "embed Access & Equity considerations in purely policy-related activities appears to have largely failed because the existing Access & Equity requirements do not, on the whole, appear to have meaningful applications within departments and agencies that do not deliver programs and services directly to the public."¹²

4.30 The evaluation pointed out that a central aim of the Strategy is to have policy-makers take account of the diversity of the population in formulating policy and designing programs and to look not only at more sensitive service delivery but also at the impact of general policy on target groups such as Aboriginal and Torres

¹² Department of the Prime Minister and Cabinet, Office of Multicultural Affairs, *Access and Equity Evaluation Report 1992*, AGPS, Canberra, 1992, p 68-69

Strait Islander people.

4.31 It should be noted that the Access and Equity Strategy applies to all Commonwealth departments and agencies which are all now required to report against the 43 recommendations outlined in the Evaluation of the Access and Equity Strategy (contained in Appendix 10).

4.32 The *Access and Equity Evaluation Report* recommended that the Office of Multicultural Affairs prepare an annual consolidated Access and Equity review report to the Prime Minister for tabling in Parliament before the end of each calendar year.¹³ In the 1993 Annual Report on the Access and Equity Strategy it is stated that:

In general, departments and agencies are displaying a heightened awareness of Access & Equity since the 1992 Evaluation and a greater willingness and ability to meet Access & Equity obligations. Those departments with a relatively good Access & Equity record are extending and refining their programs. Most of those with a mediocre or poor record are acknowledging past shortcomings and taking positive steps to improve their performance

The policy or process oriented agencies, Treasury (DOT), Finance (DOF), Prime Minister and Cabinet (PM&C), Department of Industrial Relations (DIR), the Public Service Commission (PSC) and Australian National Audit Office (ANAO) are demonstrating greater appreciation of the crucial role they play in setting broad Access & Equity objectives and assisting other agencies in the evaluation and implementation of A&E strategies. There remains, however, a degree of perplexity among some policy-oriented agencies, when they are asked to address Access & Equity requirements which they may not see as relevant to their functions.

Disappointingly, some of the old conceptual failings persist. There is still not full appreciation in some quarters of the distinction between Access & Equity and Equal Employment Opportunity and between the processes of information-giving, consultation and participation. Until these important distinctions are made Access & Equity implementation cannot be fully effective.¹⁴

4.33 The majority of Commonwealth departments have produced at least one, three year Access and Equity Plan that identifies barriers to access and equity. These plans provide the basis for implementing changes in the way departments improve services and programs to enable equal access to, and an equitable share in, the resources available to all Australians.

¹³ *Access and Equity Evaluation Report 1992*, p128

¹⁴ Department of the Prime Minister and Cabinet, Office of Multicultural Affairs, *Access and Equity Annual Report 1993*, AGPS, Canberra, November 1993, p 19-20

4.34 The Committee also noted that those Departments which failed to respond to the Inquiry were primarily those of a policy related nature as identified by the Access and Equity Evaluation.

4.35 It was of concern to the Committee that many of those policy departments identified as recalcitrant by the Evaluation of the Access and Equity Strategy were those that did not respond to this Inquiry. It is considered that due to the high level of accountability that applies to both funding for Aboriginal and Torres Strait Islander affairs and the policies that govern that expenditure, these recalcitrant departments should each recognise their clear obligation to ensure that Aboriginal and Torres Strait Islander people receive proper attention in the formulation of policies affecting them. This does not appear to be happening as outlined below.

4.36 It is of particular concern to the Committee that a number of those Departments that did not respond to the Inquiry have direct responsibilities on Aboriginal and Torres Strait Islander issues. The Attorney-General's Department which responded to the Inquiry with a one page letter, has a number of important areas of responsibility, for example, human rights legislation, access to adequate representation in the federal courts system and the proposed Racial Vilification legislation. It would have been far more productive to this Inquiry if the Attorney-General's Department had addressed these important issues to inform not only the Committee, but many Aboriginal and Torres Strait Islander people and communities, as to what the Attorney-General's Department is doing to achieve access and equity for Aboriginal and Torres Strait Islander peoples.

4.37 The Committee also heard that there were problems with access to the Tax Office. Many Aboriginal and Torres Strait Islander people were having difficulties in filling out tax returns, particularly in relation to the Community Development Employment Project (CDEP) Scheme. Most CDEP recipients are eligible for a refund, resulting from Pay As You Earn deductions. However, the Taxation Office does not appear to offer any worthwhile assistance in this area. The Taxation Office did not make a submission to this Inquiry.

4.38 Those Commonwealth departments and agencies that made submissions to the Inquiry are listed in Appendix 1. Listed below are the major points emphasised in the submissions that were received from Commonwealth departments and agencies. These give an indication of the types of programs and policies that are in place to achieve Access and Equity for Aboriginal and Torres Strait Islander peoples.

Aboriginal Hostels Limited

4.39 The submission from Aboriginal Hostels Limited¹⁵ lacked any substantial detail about its Access and Equity strategy. The organisation exists for Aboriginal and Torres Strait Islander people's short-term accommodation, with the organisation helping people access services such as medical, education and general business.

4.40 The Committee heard of difficulties community organisations are having in

¹⁵ Evidence, pS785

accessing programs for aged care. This is not mentioned in the AHL submission although the Department of Health, Housing, Local Government and Community Services submission does.¹⁶ The Committee visited the Ninga Mia camp on the outskirts of Kalgoorlie and was appalled by the conditions there. The accommodation, which is provided by Aboriginal Hostels, is extremely basic. It was originally built as accommodation for itinerants but has become home to nearly 100 permanent residents. Future responsibility for accommodation provision at Ninga Mia should be negotiated between Aboriginal Hostels Limited, ATSIC and the State government.

Australian Broadcasting Corporation

4.41 The Australian Broadcasting Corporation (ABC)¹⁷ states its commitment to Aboriginal and Torres Strait Islander peoples through a number of initiatives.

The ABC's editorial policies state:

Aboriginal and Torres Strait Islander people require access to the full range of communications available in Australia. In addition, they have special communication needs in remote areas and in dealing with cultural and language differences. The ABC has a role to play in facilitating their ability to protect, promote and develop their diverse cultures, languages and local heritage.

Consistent with its Charter, the ABC must provide an accurate reflection of Australian society by presenting programs by, for and about Aboriginal and Torres Strait Islander peoples. The ABC provides employment equity to Aboriginal and Torres Strait Islander peoples and supports the development of Aboriginal and Torres Strait Islander broadcasting associations.

The ABC has a responsibility to reflect to the wider community, issues and developments affecting Aboriginal and Torres Strait Islander peoples. The ABC produces, commissions and purchases programs and material produced by Aboriginal and Torres Strait Islander people for a general audience. All such programs will be subject to specific program review processes involving Aboriginal and Torres Strait Islander consultation, input and representation.¹⁸

4.42 The following divisions outline a number of strategies designed to assist Aboriginal and Torres Strait Islander peoples and to adequately reflect their views in the programs operated by the ABC:

¹⁶ Evidence, pS231

¹⁷ Evidence, pS786-811

¹⁸ Evidence, pS791

- . Radio
- . Television
- . Corporate
- . Concert music
- . Enterprises
- . Radio Australia

4.43 The ABC also has an Aboriginal Employment and Development Program to ensure employment equity for Aboriginal and Torres Strait Islander peoples which is set at 2% of the workforce.

4.44 The Committee notes that the ABC has raised the profile of Aboriginal and Torres Strait Islander peoples in the mainstream through programs such as *Speaking Out*, *Away*, and *Blackout*.

Australian Bureau of Statistics

4.45 Recommendations 27 and 28 of the Evaluation of the Access and Equity Strategy (see Appendix 10) recognise the importance of the Australian Bureau of Statistics¹⁹ in providing data on ethnicity and the utilisation of this data to identify client groups.

4.46 The ABS will also conduct a National Aboriginal and Torres Strait Islander Survey in 1994. This survey is currently under development in consultation with Aboriginal and Torres Strait Islander people and will produce information at several geographic levels. It is anticipated that the survey will provide Aboriginal and Torres Strait Islander people with access to a wide range of information about their health, cultural and family characteristics, education, employment and income.

4.47 The ABS is also assisting ATSIC with a survey of Aboriginal and Torres Strait Islander housing and infrastructure, and provides advice and assistance to ATSIC and other agencies about the collection of information about Aboriginal and Torres Strait Islander clients through administrative data collections. While the Australian Bureau of Statistics collects information about the numbers of Aboriginal and Torres Strait Islander people who speak an indigenous language it does not appear that these are included in the Bureau's statistics on Australians from a non-English speaking background (see paragraph 3.37).

Australian Federal Police

4.48 In their Access and Equity Plan, the Australian Federal Police (AFP)²⁰ have identified barriers that exist between Aboriginal and Torres Strait Islander people and the AFP and the mechanisms for removing these barriers.

¹⁹ Evidence, pS111-4

²⁰ Evidence, pS551-7

4.49 Some of these mechanisms include the following:

- . dialogue with Aboriginal and Torres Strait communities and officials of ATSIC, regarding law enforcement measures and community participation;
- . Aboriginal Liaison Officers in the ACT and Jervis Bay where the Australian Federal Police is responsible for community policing;
- . Aboriginal and Torres Strait Islander cultural awareness courses; and
- . extensive consultation with the Aboriginal community at Wreck Bay, in the design of the new police station at Jervis Bay, taking into account the recommendations of the Royal Commission into Aboriginal Deaths in Custody.

4.50 Some barriers do exist in this area and are being addressed by the AFP. These include poor communication, a distrust of the police and a lack of understanding of the role and powers of the police.

Department of Employment, Education and Training

4.51 The Department made a submission²¹ and appeared several times at hearings. The Department points out the seven major DEET program areas are: schools, higher education, skills formation, labour market operation, education assistance and income support. Some are specific Aboriginal and Torres Strait Islander programs, other mainstream programs have an Aboriginal and Torres Strait Islander element.

4.52 Aboriginal and Torres Strait Islander educational participation, retention and outcome levels are substantially lower than the rest of the community. As Aboriginals and Torres Strait Islanders face disproportionately high levels of unemployment and special problems in gaining employment, the barriers faced are diverse and reinforce one another.

4.53 The targets of the Commonwealth Employment Service (CES) focus on equity for the following priority groups: long-term unemployed, people with disabilities, Aboriginals and Torres Strait Islanders and sole parents. Equity ratios are set to enable monitoring of participation and placement.

4.54 The Department believes that there is a limit to the effectiveness of employment programs for people facing major barriers. These barriers include stereotyped views of Aboriginals and Torres Strait Islanders by employers and the need for better cultural awareness by employers.

4.55 The Department claims that multiple, overlapping equity strategies confuse staff and dilute their effectiveness.

²¹ Evidence, pS13-44

4.56 Following the transfer of the community elements of the Training for Aboriginals Program (TAP) to ATSIC, DEET has confined its interest to Aboriginal and Torres Strait Islander participation in the general labour market. During discussions with communities, the Committee heard considerable criticism of DEET for failing to deliver residual TAP services to community members and the serious lack of coordination between DEET and ATSIC since the transfer of TAP took place.

4.57 There is a lack of access to appropriate schooling with the result that education participation and retention rates for Aboriginal and Torres Strait Islander people are lower than for the rest of the community. The Aboriginal Education Strategic Initiatives Program aims to reduce the access and equity barriers to appropriate schooling. The National Aboriginal and Torres Strait Islander Education Policy (NAEP) is a set of goals and educational principles endorsed by the Commonwealth, State and Territory Governments. Outcomes are monitored by State Aboriginal Educational Consultative Groups (AECGs).

4.58 In higher education, DEET consults regularly with students, communities and AECGs. Special entry arrangements have been made to reduce the significant barriers otherwise encountered.

4.59 Under youth programs, DEET funds 115 Youth Access Centres around Australia. Some of these programs are specifically targeted to Aboriginals and Torres Strait Islanders. Most of the State or Territory Youth Co-ordination Committees have Aboriginal and Torres Strait Islander representation on them. Pilot projects are being funded under the Youth Strategy Action Grants to improve delivery to young offenders and Aboriginals and Torres Strait Islanders.

Department of the Environment, Sport and Territories

4.60 The Department of the Environment, Sport and Territories²² administers six programs: Environment, Antarctic, Meteorology, Sport and Recreation, Territories, and Corporate Management.

4.61 The Department also provides support for six statutory authorities within the Portfolio. These are:

- . The Australian Heritage Commission;
- . Australian Nature Conservation Agency;
- . Australian Sports Commission;
- . Australian Sports Drug Agency;
- . Great Barrier Reef Marine Park Authority; and
- . Supervising Scientist for the Alligator Rivers Region.

4.62 There are a number of consultative mechanisms in place to ensure that Aboriginal and Torres Strait Islander people have significant input into the programs administered by the department that may affect Aboriginal and Torres Strait Islander peoples. These include in programs such as Ocean Rescue 2000,

²² Evidence, pS400-530

Cape York Peninsula Land Use Strategy, Environmental Impact Assessments and The National Pollution Inventory.

4.63 It appears that there are a number of mechanisms in place to assist Aboriginal and Torres Strait Islander people to gain adequate access to the Department's services and programs.

Department of Foreign Affairs and Trade

4.64 The Department has been extensively involved in international preparations for the United Nations International Year of the World's Indigenous Peoples. This includes a recommendation that an International Decade of the World's Indigenous People commence in January 1994.

4.65 As well as developing a strategy to meet Equal Employment Opportunity targets, the Department has been working to develop a greater awareness of the need to meet the Commonwealth's international human rights policy in relation to the human rights status of Aboriginal and Torres Strait Islander peoples.

4.66 Although the International Organisations Branch is responsible for and coordinates the promotion of Aboriginal and Torres Strait Islander perspectives within the Department's domestic and international operations, no mention is made in the submission of the Torres Strait Treaty.

4.67 While on Thursday Island, the Committee heard considerable concern about the current operation of the Treaty and the need for a review. The Committee wrote to the Minister for Foreign Affairs and Trade in September 1993 but no response had been received by the time this report was finalised.

Department of Health, Housing, Local Government and Community Services

4.68 The Department made a submission²³ and appeared several times at public hearings. Aged care and youth services are dealt with in Chapter 2 of this Report and health services and housing are dealt with in Chapter 5.

The Department of Immigration and Ethnic Affairs

4.69 Although the Department of Immigration and Ethnic Affairs²⁴ has a direct focus on migrant and refugee issues, it does have direct responsibility for the administration of the Torres Strait Treaty (Miscellaneous Amendments) Act 1984. Under this treaty, Australia is obligated to allow limited and specific "free" movement (that is, movement without the imposition of immigration controls) to inhabitants of this area for traditional activities.

²³ Evidence, pS191-335

²⁴ Evidence, pS673-4

4.70 Traditional inhabitants of the Torres Strait do not require visas for entry to Australia if entry is for any cultural activities on land and water, for food cultivation and gathering, religious and secular ceremonies and barter and trade, excluding activities of a commercial nature.

4.71 In relation to this issue the Committee heard evidence from Torres Strait Islander people that this treaty was causing problems for Torres Strait Islanders. The increase in visitors, not all of whom are traditional visitors, has placed additional burdens on Torres Strait Island communities, particularly given the lack of resources in the area.

Department of Industrial Relations

4.72 The submission from the Minister for Industrial Relations²⁵ outlines the Department's commitment to ensuring that the particular needs of Aboriginal and Torres Strait Islander peoples are recognised and taken into account in developing industrial relations policy.

4.73 The Australian Trade Union Training Authority (TUTA) is developing an industrial relations training program for Aboriginal and Torres Strait Islander peoples, and other unionists, designed to improve understanding of issues concerning Aboriginal and Torres Strait Islander peoples.

4.74 The Department has been active in working with ATSIC, at the Regional Council level, and with Aboriginal and Torres Strait Islander communities.

4.75 The Department also recognises that although it has made some progress towards achieving better outcomes for Aboriginal and Torres Strait Islander peoples through the Access and Equity Strategy, it still has a long way to go. In conclusion the submission states:

The culture of Australia's indigenous people is rich and unique and has much to contribute to our workplaces. Equally the needs of Aboriginal and Torres Strait Islander peoples are distinct and must be recognised as such when policies and programs are formulated. However we are confident that we have established a firm foundation upon which to develop and implement a strategy which will assist us to provide better workplace access and equity for Aboriginal and Torres Strait Islander peoples.²⁶

²⁵ Evidence, pS80-105

²⁶ Evidence, pS103

Department of Industry, Technology and Regional Development

4.76 Two agencies within this department²⁷ have significant relevance for Aboriginal and Torres Strait Islander peoples - The Office of Regional Development (ORD) and the Office of Northern Development (OND)

4.77 The ORD does extensive work in analysing regional economic trends, capacities and opportunities, aimed at helping local communities and enterprises build on their comparative economic strengths to pursue opportunities.

4.78 The ORD's improved supply of regional level economic information is intended to help government and non-government groups in their efforts to improve economic conditions and opportunities at the local level.

4.79 The Committee notes that ORD liaises with ATSIC, and involves Aboriginal and Torres Strait Islander people at the regional level. The Committee encourages further development in this area, to better identify and take into account the needs of Aboriginal and Torres Strait Islander people at the local level.

4.80 The Office of Northern Development focuses exclusively on the overall economic and social development of northern Australia, consulting with a variety of groups about policy and projects impacting on the development of the region.

4.81 The Committee again notes the links with ATSIC and encourages further development in this area, especially with the large percentage of Aboriginal and Torres Strait Islander people in northern Australia.

Murray-Darling Basin Commission

4.82 Aboriginal programs have been funded since 1989 as part of the Natural Resources Management Strategy²⁸ which is a blueprint for action to achieve sustainable natural resources use. Strategic objectives include action to improve land management practices and water quality, to conserve the natural environment and to conserve, manage and protect Aboriginal and historic sites.

4.83 In particular, Aboriginal people have been successful in gaining funding support for activities relating to education, land management, floodplain planning and cultural heritage in the Murray-Darling Basin Initiative. This initiative encourages community participation and consultation.

²⁷ Evidence, pS669-672

²⁸ Evidence, pS778-784

Office of Multicultural Affairs

4.84 The Office which is part of the Department of the Prime Minister and Cabinet made a submission²⁹ and appeared at a public hearing. This was the only part of that Department to make a submission to the Inquiry.

4.85 The OMA is a key access and equity agency having the responsibility for co-ordinating and monitoring the Commonwealth's Access and Equity Strategy. Implementation of the Access and Equity Strategy is essentially up to each agency. OMA has a co-ordinating role and sees itself as a catalyst for change. The Committee outlines in Chapters 2 & 3 its strong reservations on the ability and commitment of OMA to carry out this task in relation to Aboriginals and Torres Strait Islanders.

4.86 The Office co-ordinated an evaluation of the Access and Equity Strategy which reported in 1992. It has produced an Access and Equity guide for Australian Public Service managers and in November 1993 the first annual report on the implementation of the Strategy.

Public Service Commission

4.87 Although the Public Service Commission³⁰ does not provide any direct service to the general community, it does have an impact on the manner in which services are delivered through its activities in relation to the composition and skills of the Australian Public Service staff. This is done in three principle areas:

- . through its responsibilities in relation to Equal Employment Opportunity (EEO), it seeks to ensure that members of designated groups do not suffer discrimination in employment matters and that the composition of staff employed in the Australian Public Service more closely reflects the composition of the Australian population;
- . through its policy responsibilities for recruitment and promotion, it seeks to ensure that positions which are responsible for policies or services for Aboriginal and Torres Strait Islander people are staffed by people with the appropriate skills and qualities; and
- . through its responsibilities for training and development, it seeks to ensure that staff have the knowledge, understanding and skills to implement Access and Equity policies and practices.

4.88 In the Commission's view there is a positive correlation between EEO policies for staff and the implementation of Access and Equity policies for clients.

4.89 The Committee has noted some deficiencies in the approach of the Public

²⁹ Evidence, pS534-550

³⁰ Evidence, pS820-845

Service Commission in Chapter 3 and made appropriate recommendations.

Department of Primary Industry and Energy

4.90 The Department of Primary Industry and Energy³¹ has an important role to play in the rural and mining industries and has in place a number of consultative mechanisms to involve Aboriginal and Torres Strait Islander peoples in the development, delivery and review of programs and services. The Department has also developed links with the Aboriginal and Torres Strait Islander Commission in a number of projects. These include:

- . the Rural Industries Advisory Committee which is developing a rural industries strategy to enhance employment and training opportunities for Aboriginal and Torres Strait Islander people in rural industries;
- . the design and implementation of telecentres in areas with significant Aboriginal populations; and
- . through the Aboriginal Rural Resources Initiative administered through the Bureau of Resource Sciences. This program enhances Aboriginal and Torres Strait Islander social and economic development through the efficient and sustainable use and management of rural resources.

Department of Social Security

4.91 The Department of Social Security (DSS) made a submission³² and appeared several times at public hearings. The Department was almost universally identified as being the most responsive to the needs of Aboriginal and Torres Strait Islander people. Consequently the Committee has dealt with the DSS approach to the Access and Equity Strategy in some detail in Chapter 5 and in Appendix 9.

Telecom Australia

4.92 Telecom³³ has an important role in providing remote Aboriginal and Torres Strait Islander communities with appropriate and functional telecommunications that are available to the majority of Australians. Telecom has recognised its responsibilities in this regard and appears to be active in identifying and providing services to remote Aboriginal and Torres Strait Islander communities through a number of measures.

³¹ Evidence, pS675-728

³² Evidence, pS343-374

³³ Evidence, pS48-68

Trade Practices Commission

4.93 The Commission made a submission³⁴ and appeared at a public hearing together with officers from the Federal Bureau of Consumer Affairs. The Commission focuses on equity and access through the promotion of fair trading and elimination of restrictive trade practices. The Commission has given particular priority in consumer protection to vulnerable groups which include low income earners, migrants, Aboriginals and Torres Strait Islanders, physically and mentally disabled people, uneducated people and those who are locked into 'no-win' contracts.

4.94 Recently, the Trade Practices Commission successfully took action through the courts against unscrupulous practices in the selling of insurance policies to Aboriginal and Torres Strait Islander people.

4.95 The TPC has also commenced work in conjunction with the Federal Bureau of Consumer Affairs and the Department of Social Security on the 'book down' system, where Aboriginal and Torres Strait Islander people gain goods and services on credit and assign their benefit cheques to a particular trader. It is believed that in many cases, people are not receiving the full value of their benefit cheques.

Other Departments

4.96 The Committee also received submissions from the Departments of Arts and Administrative Services; Defence; Transport and Communications; and Tourism. Other agencies who made submissions are the: Australian Electoral Commission; the Commonwealth Grants Commission; the Meat Research Corporation; and the National Board of Employment, Education and Training.

Departments which did not provide a submission

4.97 A number of departments and agencies did not provide a submission to the Inquiry despite their obligations to implement the Access and Equity Strategy and be accountable to the Parliament for that implementation. These include the Departments of: Attorney-General's, Finance, Treasury, Veteran's Affairs and the Prime Minister and Cabinet. The Office of Multicultural Affairs within the Department of the Prime Minister and Cabinet made a submission but none was received from the rest of the Department indicating a lack of commitment to the Strategy by the Department which is meant to co-ordinate it. The Office of the Status of Women has not indicated any significant commitment to the strategy as witnessed by a lack of a submission and the serious deficiencies outlined in paragraph 3.31.

4.98 The Committee has dealt with some shortcomings of the Attorney-General's Department in paragraphs 2.19-2.22 and 4.36. These concern human rights and the provision of interpreters. The Committee is concerned at the lack of commitment to the Strategy by the Department. The broad question of human rights, which are

³⁴ Evidence, pS106-110

a fundamental basis to any attempt to gain access and equity, should have been addressed in a submission. The Committee notes that the Government, through the Department, has not responded to the Law Reform Commission's report on the *Recognition of Aboriginal Customary Laws*³⁵ presented as long ago as 1985. Officers of the Federal Bureau of Consumer Affairs appeared at a public hearing together with officers of the Trade Practices Commission and were most helpful. The Inquiry would have been assisted with information on how the Strategy is applied to access to Legal Aid services.

4.99 The Department of Finance did not make a submission but provided a copy of its Access and Equity Statement 1993. In this Statement the Department outlines its position:

Achieving social justice is a major objective of many government programs, especially welfare and related programs. In addition to these, other programs have readily apparent social justice and Access and Equity implications for all Australians, including people from a Non-English Speaking Background, Aboriginals and Torres Strait Islanders and people with disabilities.

In playing its part in ensuring value for money in these programs, Finance has an interest in promoting social justice and Access and Equity and ensuring that these objectives are achieved.

*This has been explicitly recognised in program management and budgeting initiatives and in related reporting requirements. In particular, Finance is active in promoting assessments of relevant internal and external program evaluations, and in reporting on access and equity performance in Annual Reports and Program Performance Statements. This builds on extensive joint past work by Finance and the Social Justice Secretariat on social justice reporting under the Program Management and Budgeting system. Departments and agencies are strongly encouraged to collect and utilise appropriate performance information, including information on access and equity performance.*³⁶

4.100 The Auditor-General did not make a submission despite the important role that the Audit Office has in ensuring that services are delivered fairly and effectively.

³⁵ ALRC 31

³⁶ Office of Multicultural Affairs, Department of the Prime Minister and Cabinet, *Access and Equity Statement 1993 - Department of Finance*, AGPS, 1993, p2

4.101 The Committee recommends that:

the Auditor-General in conducting program audits include an examination of compliance with the Access and Equity Strategy, particularly to ensure that Aboriginal and Torres Strait Islander issues are being addressed. (Recommendation 31)

4.102 The Department of Veteran's Affairs did not make a submission. Problems have been experienced in the past with Aboriginal and Torres Strait Islander ex-service personnel not receiving proper entitlements. It would have assisted the Committee if the Department had outlined how it was overcoming this problem.

4.103 The Department of the Treasury did not make a submission nor did the Australian Taxation Office. The Committee notes by way of comparison, that the ACT Government provided information on access and equity measures adopted by its Treasury. The Committee heard of difficulties Aboriginal and Torres Strait Islander people in remote locations have in gaining advice and assistance from the Taxation Office. It would appear that any access and equity strategy the Taxation Office has, is not effective in breaking down these barriers of language and culture.

4.104 It is clear to the Committee that some departments and agencies are still not giving appropriate attention to their responsibilities in implementing the Access and Equity Strategy.

State and Territory Governments

4.105 Recommendation 17 of the Access and Equity Strategy Evaluation provides for State, Territory and local governments to address Access and Equity principles in Commonwealth programs and services delivered by State and Territory Governments:

Departments and agencies address Access & Equity accountabilities in programs and services which are funded for delivery through other organisations such as State, Territory and local government authorities and community or private sector organisations, through instruments such as program contractual arrangements, memorandums of understanding or formal guidelines.³⁷

4.106 There was a variety of responses to the Inquiry from State and Territory governments. Some State governments chose not to make submissions and also not to appear at public hearings while others made submissions detailing the extent to which their governments are committed to the Access and Equity Strategy, even

³⁷ Access and Equity Evaluation Report 1992, p126

though it is largely a Commonwealth initiative. These are listed below.

Australian Capital Territory

4.107 The ACT Government provided a comprehensive submission outlining the major areas in the ACT Public Service that have a direct bearing on Aboriginal and Torres Strait Islander people. These include initiatives such as the establishment of the ACT Aboriginal and Torres Strait Islander Advisory Council, cultural awareness raising and training, cross-cultural training, Aboriginal health initiatives, Aboriginal and Torres Strait Islander employment initiatives and education, in particular, early childhood education.

4.108 The ACT Government also requires all government agencies to develop and implement access and equity plans. These plans have direct relevance to Aboriginal and Torres Strait Islander peoples and make specific references to strategies to improve access and equity for Aboriginal and Torres Strait Islander peoples. These plans identify who clients are, the major barriers, steps taken to improve access and equity, timetables for new initiatives and evaluations of programs and services.

4.109 The Committee believes that this is a very positive approach that warrants further consideration by other state and territory governments, not only in addressing access and equity issues in programs and services which are funded by the Commonwealth for delivery through the states and territories, but also in programs and services that are funded and provided by the states and territories themselves.

4.110 Of particular importance is the ACT Treasury's commitment to Access and Equity and Social Justice principles. This commitment to social justice is based on the four following principles:

- . *the fair distribution of economic resources;*
- . *protection and enhancement of individuals' rights;*
- . *fair access to essential community services; and*
- . *opportunity for all to participate in the life of the community.*³⁸

The plan also recognises that:

*certain, often critical, government services can miss some potential/intended clientele unless special efforts are made to overcome barriers of race, culture and language.*³⁹

Aboriginal and Torres Strait Islander people make up approximately 0.63% of the

³⁸ ACT Treasury, *Access and Equity Plan 1991-94*, p8

³⁹ ACT Treasury, *Access and Equity Plan 1991-94*, p8

population of the Territory which accounts for 0.7% of the national Aboriginal and Torres Strait Islander population.

New South Wales

4.111 The NSW Government submission arrived too late for consideration and despite two earlier attempts by this Committee to take evidence from the NSW Government it chose not to appear at a public hearing.

4.112 The Committee was seeking information on the degree of importance the NSW Government places on Access and Equity issues, in relation to the Aboriginal and Torres Strait Islander people of NSW. There were a number of issues that Aboriginal and Torres Strait Islander people had raised with the Committee in discussions in NSW, particularly in the provision of housing and health services.

4.113 Aboriginal and Torres Strait Islander people make up approximately 1.2% of the State which accounts for 26.8% of the national Aboriginal and Torres Strait Islander population.

Victoria

4.114 In its letter of response to the Committee's request for a submission, the Victorian Government stated that:

As this is a Commonwealth Government policy which applies only to Commonwealth Government agencies it does not appear to be appropriate for the Victorian Government to comment on its impact.⁴⁰

4.115 It also stated that there was very little information, on either the policy or its implementation, made available to the Victorian Office of Aboriginal Affairs. If true, this a reflection on the relevant Commonwealth agencies, who appear to have failed to promote the Access and Equity Strategy at the State and Territory government level and to adequately inform them of their new obligations, under the revised recommendations of the Evaluation of the Access and Equity Strategy, when delivering Commonwealth funded programs. It may also reflect poor coordination between state agencies delivering Commonwealth programs and the Victorian Office of Aboriginal Affairs. The Victorian Government was also unable to appear at a public hearing to provide evidence to this Inquiry, due in part to the lack of information it said it had on the Access and Equity Strategy and also the time limits for responses.

4.116 Aboriginal and Torres Strait Islander people make up about 0.39% of the population in the state which accounts for 6.4% of the national Aboriginal and Torres Strait Islander population.

⁴⁰ Exhibit No. 61

Western Australia

4.117 The Western Australian Government appeared at a public hearing and also made a submission to the Inquiry. It outlined in its submission a number of programs and policies being developed to achieve better economic and social advancement for Aboriginal people. The Western Australian Government has developed an Aboriginal Plan that provides a clear statement of the State Government programs in Aboriginal affairs, and the financial resources which have been provided to implement them. The plan outlines the action that will be undertaken by the eleven departments that participated in the original plan, as well as joint action that various agencies will undertake together. The State is also seeking better co-ordination with the Commonwealth on the delivery of services to Aboriginal and Torres Strait Islander people.

4.118 Aboriginal and Torres Strait Islander people make up about 2.52% of the population of the State which accounts for 15.5% of the national Aboriginal and Torres Strait Islander population.

South Australia

4.119 Although the South Australian Government did not provide a written submission it did appear at a public hearing to provide evidence to the Committee. The South Australian Government's representatives outlined a number of areas in which it has been active to promote and develop Aboriginal and Torres Strait Islander issues. In the health area, in particular, the South Australian Health Commission has recently published the 'Health Statistics Chartbook' on Aboriginal health. This Chartbook brings together available Aboriginal health statistics from which inferences can be drawn about Aboriginal health status, by presenting data on deaths, cancer incidence, infant morbidity and hospital morbidity. One of the objectives of the Chartbook is to promote discussion about the causes of Aboriginal ill-health and possible remedial action.

4.120 The South Australian Government had also started working with other agencies on specialised training and scholarships that are needed to get Aboriginal and Torres Strait Islander people into employment across the wide spectrum of health professions. They have already made some progress in employing people as pathologists, dental technicians, medical laboratory technicians, registered and enrolled nurses and dental assistants.

4.121 Aboriginal and Torres Strait Islander people make up about 1.14% of the total population of the state which accounts for 6.2% of the national Aboriginal and Torres Strait Islander population.

Northern Territory

4.122 The Northern Territory Government provided a submission to the Inquiry and appeared at a public hearing. The submission mentioned two major areas seen to be of particular relevance to the Northern Territory:

the need for more effective co-ordination between the Commonwealth

and the Territory to ensure that the maximum value of all available resources reaches the people for whom those resources are intended; and

the need for resource allocations arrangements that take the needs of Northern Territory Aboriginal people into account.⁴¹

4.123 The Northern Territory Government drew attention to the inequitable resource allocation formulae used to distribute specific purpose program funds between the states and territories. In particular, it drew attention to the Disadvantaged Schools Program, the Country Areas Program and the English as a Second Language Program.

4.124 Disadvantaged Schools Program funds are currently allocated by DEET using an Index of Disadvantage which produces the most bizarre results in the ranking of schools. In the Northern Territory, it produces a ranking of schools that is so skewed that remote Aboriginal schools such as Mamaruni, Umbakumba, Papunya and Docker River, which are extremely poor Aboriginal communities, all score well above the Australian mean level of socio-economic disadvantage. In fact, Mamaruni, on Croker Island, generates the highest score in the Northern Territory, higher than schools in the wealthiest areas of Darwin. The Committee agrees with the Northern Territory Government that such an outcome is patently ridiculous.

4.125 The current resource allocation formulae for the Country Areas Program heavily discriminate against remote Australians, especially remote Aboriginal communities. The current formula allocates the same level of resources to a person 150 kilometres from a major population centre as it does to a person over 650 kilometres distant from the same major population centre. Aboriginals in Central Australia, Arnhemland, the Kimberley and Cape York are especially disadvantaged by this formula.

4.126 The English as a Second Language General Support Element has for the first time provided funding for non-English speaking Aboriginals in 1993, after years of agitation by the Northern Territory. However, there are still anomalies in the New Arrivals Element (an intensive English program). Through the New Arrivals Element, DEET provides for funding for all non-English speaking migrants to assist them to cope with their transition into mainstream schools. Non-English speaking Aboriginals, when they come into urban centres from remote communities, are ineligible for this intensive English language support. The effect of this DEET program element is that it positively discriminates in favour of non-Australians whilst excluding Aboriginal Australians from intensive language support.

4.127 The Northern Territory has continually made representations to DEET on these issues and they are under consideration in the current review of the National Equity Program for Schools (NEPS) resource allocation formulae. The Northern Territory has raised these issues in its chapter of the National Report on Schooling in Australia every year since its inception.

⁴¹ Evidence, pS1120

4.128 These issues are still outstanding and urgently need to be addressed in the NEPS review if resource allocations are to reflect the equity principles exposed in the NEPS strategy.

4.129 Aboriginal and Torres Strait Islander people make up approximately 21.88% of the total population of the territory which accounts for 14.9% of the national Aboriginal and Torres Strait Islander population.

Tasmania

4.130 The Tasmanian Government provided a submission and gave evidence at a public hearing. The main point outlined in evidence to the Committee is that the Tasmanian Government is working on redressing the issue of recognition of Tasmanian Aboriginal culture, particularly in the education system. The Government has also developed an Aboriginal employment and career development strategy and began implementing it this year.

4.131 Aboriginal and Torres Strait Islander people make up about 1.92% of the total population of the state which accounts for 3.4% of the national Aboriginal and Torres Strait Islander population.

Queensland

4.132 The Queensland Government did not make a submission to the Inquiry, but appeared at a public hearing. Its representatives outlined a number of arrangements that have been made in terms of better co-ordination of services and the importance of the Heads of Governments agreement in the delivery of services and programs to Aboriginal and Torres Strait Islander peoples. The Queensland Government stated that it is committed to making mainstream agencies sensitive to the needs of Aboriginal and Torres Strait Islander people and making sure that they deliver services in a responsive way. This includes the employment of Aboriginal and Torres Strait Islander liaison officers throughout all Queensland health regions, specific policies in relation to mental health concerning Aboriginal and Torres Strait Islander peoples and greater recognition of the role of ATSIC.

4.133 Aboriginal and Torres Strait Islander people make up about 2.25% of the total population of the state which accounts for 26% of the national Aboriginal and Torres Strait Islander population.

CHAPTER 5

WHAT DEPARTMENTS HAVE ACHIEVED IN RELATION TO ACCESS AND EQUITY

5.1 Chapter 4 summarised what Commonwealth departments and agencies are, and are not, doing to address access and equity issues for Aboriginal and Torres Strait Islander peoples.

5.2 It would be appropriate to outline the measures that some departments have undertaken to remove or reduce the barriers that Aboriginal and Torres Strait Islander people have in gaining access to government services and programs, and how these can be used as models that other departments can use or adapt for increasing participation by Aboriginal and Torres Strait Islander people.

5.3 It is also necessary to examine what Aboriginal and Torres Strait Islander people see as important for Commonwealth departments and agencies to do to make their services more accessible and equitable for Aboriginal and Torres Strait Islander peoples. For too long the opinions and needs of Aboriginal and Torres Strait Islander people have not been taken into account and reflected in mainstream policy development or program design.

The Department of Social Security

5.4 During the Committee's discussions around Australia, one Commonwealth department was almost universally identified as being most responsive to the needs of Aboriginal and Torres Strait Islander people: the Department of Social Security (DSS). The DSS has instigated a number of measures to ensure that Aboriginal and Torres Strait Islander people have appropriate access to the range of benefits available from the Department. These include the following programs:

- . Aboriginal and Torres Strait Islander Interpreter Service
- . Aboriginal and Torres Strait Islander Liaison Officer Scheme
- . Community Agents Program
- . Remote Visiting Teams
- . The Support Network for Aboriginal and Torres Strait Islander Parents (SNAP)

5.5 These programs have been a major factor in contributing to the accessibility of benefits by Aboriginal and Torres Strait Islander people resulting in an increased take up of payments. An outline of these programs is at Appendix 9.

5.6 An equally important aspect of the Department of Social Security's success is the number of Aboriginal and Torres Strait Islander staff involved in program design and in the delivery of services to Aboriginal and Torres Strait Islander people. There are approximately 740 Aboriginals and Torres Strait Islanders employed by DSS or 3.8% of total staff, well in excess of the minimum 2% target set by the Australian Public Service. Where possible, the DSS network aims for substantial representation in areas and regions with a high proportion of Aboriginal and Torres Strait Islander clients.— For example, some 25% of DSS staff in Area North Australia are Aboriginal or Torres Strait Islander people.¹

5.7 As has been noted earlier in this Report, Aboriginal and Torres Strait Islander people are hesitant to use government services, due to persistent negative experiences in dealing with government. Having Aboriginal and Torres Strait Islander people working in contact positions, such as on front counters, removes one strong barrier facing Aboriginal and Torres Strait Islander people seeking access to that particular service.

5.8 This does not mean that Aboriginal and Torres Strait Islander people should be employed just for the sake of having 'black' faces in the organisation nor just in contact positions. Aboriginal and Torres Strait Islander people should be employed wherever they have the necessary skills.

5.9 The DSS has been particularly successful in providing interpreter services for its Aboriginal and Torres Strait Islander clients whose first language is not English. This is in marked contrast to virtually every other department and agency.

5.10 The use of interpreters, providing culturally relevant information which recognises the cultural differences of Aboriginal and Torres Strait Islander people across Australia, and by taking the Department's services to the people through the Remote Visiting Teams and the Community Agent Program, have all contributed to the success of the Department's progress in the area of Access and Equity. The DSS has actively embraced the concept of Access and Equity and designed programs to effectively deliver its services to Aboriginal and Torres Strait Islander communities. These outreach activities of the Department have been a major factor in their success. Evidence to the Committee around Australia indicated that Departmental officers visited not only remote communities but also those centres which suffer other forms of isolation. Lack of access to public transport and social and cultural isolation can be very real barriers.

¹ Evidence, pS351

5.11 The role of the Aboriginal and Torres Strait Islander Liaison Officers² and the network of Aboriginal and Torres Strait Islander Services Units in the States and the Northern Territory, as well as an Aboriginal and Torres Strait Islander Services Section in National Administration, have also contributed to the improved service provision.

5.12 In evidence the Department stated that:

...a lot of feedback comes through the liaison officer network and field staff that gather the information from around the country. A lot of that is input back to the Aboriginal Services Units where we make probably a reasonable decision on where we should go in relation to Aboriginal programs, especially for the Department of Social Security.³

5.13 The information exchange appeared to be very good between the national administration, area offices and regional offices on the direction of their programs and services. This distinctly improves the delivery of services to Aboriginal and Torres Strait Islander peoples.

5.14 Another important aspect of the Aboriginal and Torres Strait Islander Services Section in National Administration is that it is able to comment on any program changes that are being considered and developed. The Department is easily able to consult the Aboriginal and Torres Strait Islander Services units located in the area offices.

5.15 By the same token it is also important to have Aboriginal and Torres Strait Islander people employed in all aspects of government departments, not just in those areas providing direct service to Aboriginal and Torres Strait Islander people. These areas include policy and program design areas that will ultimately have implications for Aboriginal and Torres Strait Islander people in the delivery of services.

5.16 In addition, by having Aboriginal and Torres Strait Islander people employed in 'mainstream' areas of departments they can bring specialised knowledge to the organisation about Aboriginal and Torres Strait Islander cultures and peoples.

5.17 The enormity of the problem facing Aboriginal and Torres Strait Islander people is revealed in the results of a recent census of CDEP participants. Despite the widespread outreach programs of the Department of Social Security, the census found that 11% of CDEP participants were not receiving their full DSS entitlements.

5.18 The Department of Social Security has gone a long way to addressing Access and Equity barriers for Aboriginal and Torres Strait Islander people. The Committee believes that the shortcomings revealed by the census serve to highlight

² There are 133 Aboriginal Liaison Officers

³ Evidence, pS218

the even greater barriers faced by Aboriginals and Torres Strait Islanders where an agency does not have outreach programs or other strong access and equity mechanisms in place.

State governments

5.19 At the state level, an example of an initiative to improve service delivery to Aboriginal and Torres Strait Islander people is the 'Strategic Plan for Aboriginal Health in South Western Sydney July 1993' that has been undertaken jointly by the South Western Sydney Area Health Service, Tharawal Aboriginal Corporation and the Office of Aboriginal Health, NSW Department of Health.

5.20 This Strategy is an attempt to translate national and state objectives into local, achievable strategies and is based upon community input and co-operation and co-ordination between various agencies.

The goals of the plan are:

- . to improve the health and well-being of Aboriginal people in South Western Sydney;
- . to meet the primary health care needs of Aboriginal people in South Western Sydney through appropriately resourced, Aboriginal owned and controlled services and structures;
- . to improve the accessibility and appropriateness of mainstream health services to Aboriginal people in partnership with Aboriginal communities;
- . to develop community consultation mechanisms and processes that actively encourage Aboriginal participation and control of health care;
- . to incorporate Aboriginal health advancement into the corporate objectives of the South Western Sydney Area Health Service through collaboration with the Tharawal Aboriginal Corporation and the Office of Aboriginal Health of the NSW Department of Health;
- . to identify and maximise intersectoral contributions to Aboriginal health advancement; and
- . to ensure the Aboriginal community of South Western Sydney receives an equitable share of all resources available for Aboriginal advancement.

5.21 Each of these goals has a series of strategies designed to achieve these goals. In essence, the success of the Strategic Plan depends on the co-operation and commitment of a number of providers. It is also important to note that the main

driving force behind the plan is the Tharawal Aboriginal Corporation, a local Aboriginal organisation, which again highlights the importance of these organisations in providing services to Aboriginal and Torres Strait Islander peoples.

5.22 The Strategic Plan is readily available to Aboriginal and Torres Strait Islander organisations. It is recommended that this plan and approach be considered when organisations are in the process of developing similar plans for their own areas, particularly in the health area. This information was provided by Tharawal Aboriginal Corporation.

Co-ordination of Programs and Services

5.23 The Committee was concerned with the very uneven record of co-ordination between Commonwealth Departments and agencies in the delivery of services to Aboriginal and Torres Strait Islander peoples and communities. The Committee was particularly interested in the degree of co-ordination between Commonwealth and State agencies and ATSIC on the achievement of the goals of the Regional Council Plans, especially at the regional level. The Committee examined how Access and Equity objectives were being pursued through co-ordination and sought views on where this could be substantially improved. The following section (5.23-5.30) outlines the Committees findings.

Background

5.24 Although ATSIC's charter provides it with a clear role in co-ordination, many Aboriginal and Torres Strait Islander people often feel frustrated by the lack of co-ordination by Government departments and agencies, at all levels, in the provision of services to their communities. The causes of this frustration include the large number of departments involved in the delivery of services, the lack of co-ordination, the lack of a clear identification of who is responsible for such services and the lack of services in particular communities.

5.25 While there were complaints in relation to departments not co-ordinating visits to Aboriginal and Torres Strait Islander communities, there were also many instances where there was a lack of services (from various departments) and absence of field visits to Aboriginal and Torres Strait Islander communities. Communities also expressed frustration with the lack of action following visits.

5.26 At the Lockridge Camp in Perth (The Fringe Dwellers of the Swan Valley Inc.) the Committee was told by one member of the Lockridge Community that he was sick of people coming in looking at them like monkeys in a cage. This example showed the frustration of community people who have had government officers 'consulting' with them for years, yet for the most part, their living conditions have remained relatively unchanged.

5.27 In informal discussions with Feppi, the Aboriginal Education Consultative Group in the Northern Territory, it was stated that the Eva Valley Aboriginal community in Katherine had not seen a DEET field officer for 12 - 18 months and that there were about 100 more areas in the Northern Territory which were not being serviced by DEET. It was not solely a problem with DEET but of most departments.

5.28 At an open meeting of Aboriginal organisations in Bowraville, NSW, there was also a lack of communication between the community and the Regional Office of ATSIC. The Committee was told there appeared an unwillingness of Regional Office staff to visit the community to resolve issues and explain programs. This had led to problems in funding and the late lodgement of applications. It also highlights the need for all departments and agencies to provide timely and accurate advice to their clients or potential clients, especially when there have been changes to funding procedures and guidelines.

5.29 As previously mentioned (paragraphs 2.95-2.99) there were significant communication problems between the Booroongen Djugun Aboriginal Corporation at Kempsey and the responsible funding bodies, in the negotiations for the development of an aged care facility for Aboriginal and Torres Strait Islander peoples.

5.30 There appeared to be a lack of communication between the community and the Lismore Regional Office of ATSIC. It was of widespread concern to the community organisations visited in this area that their needs and concerns were not being adequately addressed by this office.

5.31 When Aboriginal community members had told committees and government officers of the problems and what should be done there was an expectation that something would happen to resolve the issues that people had raised. Unfortunately in most cases little action resulted from these visits.

National Commitment to Improved Outcomes in the Delivery of Programs and Services for Aboriginals and Torres Strait Islanders

5.32 The achievement of greater co-ordination and co-operation between Departments has been discussed for a number of years and many attempts have been made to address this issue. In 1992, the Council of Australian Governments, which comprises the Heads of Government of the Commonwealth and each of the states and territories, endorsed the development of a multilateral national commitment to achieve improved outcomes for Aboriginal peoples and Torres Strait Islanders, and agreed on the need to achieve greater co-ordination in the delivery of programs and services by all levels of government to Aboriginal peoples and Torres Strait Islanders.

5.33 Also contained in this agreement is a commitment to ensure that Aboriginal peoples and Torres Strait Islanders receive no less a provision of services than other Australian citizens and in so doing aim to provide:

- . improved access of Aboriginal peoples and Torres Strait Islanders to mainstream programs;
- . services which are adequate and culturally appropriate;
- . appropriate information about their rights to and availability of services;
- . effective resourcing of services; and
- . Aboriginal peoples and Torres Strait Islanders and communities with the opportunity to negotiate, manage or provide their own services.

Aboriginal Employment Development Policy (AEDP)

5.34 The Aboriginal Employment Development Policy (AEDP) was established in 1987 as a result of the Review of Aboriginal Employment and Training Programs, chaired by Mick Miller.

5.35 The primary focus of the AEDP is on employment and development, and contains a range of Aboriginal employment, training, education and economic resource programs. The policy outlines a number of strategies that are designed to achieve the four broad objectives which embrace Access and Equity principles. These are:

- . employment equity with other Australians;
- . income equity with other Australians;
- . equitable participation in education; and
- . a reduction of Aboriginal welfare dependency to a level commensurate with that of other Australians.

5.36 Contained in the AEDP Policy statement is a commitment to achieve better co-ordination in the delivery of services and programs to Aboriginal and Torres Strait Islander people at various levels.

In the Aboriginal Employment Development Policy the responsibilities of the major Commonwealth portfolios and agencies involved in delivering these programs and services to Aboriginal [and Torres Strait Islander] people are well defined. The Department of Aboriginal Affairs [now ATSIC] has a critical role of ensuring that appropriate co-

ordination and negotiation structures are in place at the various levels. The co-ordination role of the Department of Aboriginal Affairs in the context of this policy will be complementary to its overall co-ordination role in respect of providing advice to the Government about programs and services to Aboriginals [and Torres Strait Islanders].⁴

As part of evaluating the effectiveness of the policy in meeting the Government's long-term objectives, a major review of the AEDP is being undertaken at present.

Aboriginal and Torres Strait Islander Commission

5.37 When contacting several ATSIC offices in relation to the inquiry it was evident to the Committee that many Regional Offices did not have a good understanding of the Access and Equity Strategy or what the terms 'Access' and 'Equity' meant. This is despite the fact that information about Access and Equity and the Evaluation of the Access and Equity Strategy had been sent to all ATSIC offices. Part of the problem seems to be the competing priorities of the Regional Offices and the seemingly greater priorities in the areas of health, legal aid and general field servicing. In the overall scheme of things, Access and Equity as a policy does not appear to rate very highly within ATSIC.

5.38 As mentioned in Chapter 1, there needs to be a greater appreciation of the importance of the Access and Equity Strategy in improving the social justice outcomes for indigenous Australians.

5.39 While ATSIC's programs are directed solely to the benefit of access and equity target groups there is a need to observe the Access and Equity Strategy as a means to ensure that all sectors of the Aboriginal and Torres Strait Islander populations have equitable access to these programs. Dr Shergold, the Chief Executive Officer of ATSIC, in evidence highlighted a number of areas where ATSIC needs to improve access and equity:

We need, as an organisation, to ensure that we are rewarding staff who possess Aboriginal language skills. We need, as an organisation, to improve the language services that we provide. We need, as an organisation, to ensure that our programs are equitably distributed and equitably accessible to urban and rural people, to traditional and non-traditional people, to men and women, to elders and young persons. We need, as an agency, to ensure that all our staff have received appropriate cross-cultural training and so on. In other words, we have got to ensure that ATSIC does not direct critical attention to access

⁴ Commonwealth Government, *Aboriginal Employment Development Policy Statement - Policy Paper No. 1*, AGPS, Canberra, 1987, p16

*and equity in other Commonwealth agencies, while ignoring the challenges that we face internally.*⁵

5.40 Dr Shergold went on to admit:

*I should say also that ATSIC itself has scarcely led the Commonwealth Public Service in access and equity. I think it is fair to say that we are only now appreciating its importance to our own organisation. To be frank with you, I believe that in this regard we have a lot to learn from a mainstream agency like the Department of Social Security, which it seems to me has gone ahead of ATSIC in thinking about the provision of language services to Aboriginal and Torres Strait Islander clients.*⁶

5.41 The Committee believes ATSIC needs to develop a thorough management package and information campaign which highlights the importance of the Access and Equity Strategy as an effective management tool that will achieve more efficient and improved service delivery to Aboriginal and Torres Strait Islander peoples. The Strategy is about examining and changing the corporate culture through the way in which officers see their roles and provide service to the public.

5.42 It should be emphasised that it is crucial to the success of the Access and Equity Strategy that the views and concerns of Regional and State Office staff and Regional Councillors are taken into account in the development of any Access and Equity Plan. These are the people who are going to have the most impact through the Strategy, with improvement of service delivery. It should be noted however that Access and Equity principles are equally important in the design and development of policies and programs at a national level. These ultimately have a profound effect on service delivery at the grass roots level.

5.43 It is vitally important that ATSIC achieves greater co-ordination between government departments to maximise the effectiveness and efficiency of programs and services and the benefits to Aboriginal and Torres Strait Islander peoples.

Specific Programs

Training for Aboriginals Program

5.44 There was considerable evidence that the transfer of the community elements of the Training for Aboriginals Program (TAP) from DEET to ATSIC had caused confusion and a loss of access to funding and services for Aboriginal and Torres Strait Islander peoples.

⁵ Evidence, p128

⁶ Evidence, p132

5.45 In 1991, Elliot Johnston, QC undertook a review of the Training for Aboriginals Program (TAP), in part to consider and advise the Ministers for Employment, Education and Training and Aboriginal Affairs on changes that could usefully and practically be made to the structure, content and delivery of the TAP to improve:

- . quality outcomes for Aboriginal clients;
- . the efficiency and accountability of program administration to Aboriginal and Torres Strait Islander people and the Parliament; and
- . effective co-ordination with ATSIC in program administration and delivery.

5.46 As a result of this review it was recommended that the administration of the community sector elements of TAP be transferred to ATSIC, but that the transfer be done in two stages:

- . the transfer of responsibility for training programs associated with CDEP schemes and of training of employees in Aboriginal organisations take place as from 1 July 1992; and
- . the transfer of responsibility for the remaining elements take place at a time when the relevant Ministers are satisfied that all proper steps have been taken to examine the implications of such a transfer and are satisfied that all necessary decisions and arrangements have been made, and procedures put in place for the smooth transfer of responsibility with least interruption to client services, but not later than 1 July 1993.

5.47 A number of concerns have been expressed to the Committee in relation to the transfer of the community elements of the Training for Aboriginals Program (TAP) from DEET to ATSIC in June 1992. There was considerable confusion over who was responsible for what and there were many people that appeared to be having difficulty in getting the correct advice from either DEET or ATSIC.

5.48 The Committee believes that in future more emphasis should be placed on explaining changes to administrative arrangements, where to go to for correct advice and who is responsible for funding.

Aboriginal Student Support and Parent Awareness Program (ASSPA)

5.49 The Committee heard a number of complaints about the Aboriginal Student Support and Parent Awareness (ASSPA) Program. The Committee considers this program is a key access and equity program as it encourages the involvement of Aboriginal and Torres Strait Islander parents in educational decision making processes. The program provides per capita funding to primary and secondary school-based committees, comprising Aboriginal and Torres Strait Islander parents.

The program is coordinated through the Central Office of DEET and is delivered by a field network based at Aboriginal Education Units. These are specialised units, providing direct assistance with Aboriginal education programs other than ABSTUDY.

5.50 The program is designed to give Aboriginal and Torres Strait Islander parents a greater role in the education of their children. Funding is provided to schools to provide educational items for Aboriginal and Torres Strait Islander children at the school. Some examples are excursions, cultural lessons and innovative projects.

5.51 It is considered that, for the most part, the program is running quite well and achieving its aim of offering Aboriginal and Torres Strait Islander parents a greater say in the education of their children. It makes the education system, which has so long alienated Aboriginal and Torres Strait Islander people, more accessible. However the following problems were identified to the Committee.

5.52 Because many Aboriginal and Torres Strait Islander parents have themselves not had very good experiences with the education system, there is a reluctance for many to become actively involved in their children's school. This is being overcome as more people become involved in the ASSPA program.

5.53 It is of concern to the Committee, however, that in a number of centres parents are being denied the authority to determine where funds are spent. In some instances the decision on expenditure of these funds is effectively made by the school principal, despite a veneer of parental involvement. This had led parents in these situations to question their role in a program designed to give them more say in the decisions that affect the education of their children.

5.54 This was highlighted by Feppi, which is the Northern Territory Aboriginal Education Consultative Group, with a number of specific examples. Feppi found that a school principal had established a gymnasium which was funded entirely from ASSPA money (\$12,000) where the equipment was designed for adult use. When Feppi investigated, it found that the Aboriginal people had been virtually excluded from using the gymnasium and that teachers and local policemen used it. Feppi claimed this was an abuse of the funding guidelines.

5.55 In response the Northern Territory Office of the Department of Employment, Education and Training stated that the expenditure was not consistent with the ASSPA guidelines. An audit was carried out and the matter was the subject of a police inquiry. In evidence in Canberra, the Department of Employment, Education and Training advised that the guidelines for the program specifically exclude the expenditure of ASSPA funds on items which would normally be expected to be provided by the school and which are intended for the use of the school generally, rather than the Aboriginal students.⁷

⁷ Evidence, p241-2

5.56 It was also mentioned that ASSPA funds were being spent on such things as curtains in computer rooms or putting new tyres on the school bus. Money was being spent in this way because it was declared that all children - including Aboriginal children - would benefit from it, but the problem is that funds are being diverted from the specific targets of Aboriginal children.

5.57 Similar evidence of isolated examples of breaches of ASSPA guidelines were provided in some other States by Aboriginal community representatives. The Committee acknowledges that overall the ASSPA Program is working very well but that some tightening up of the Program administration is needed to avoid the abuses that are occurring in a minority of cases.

5.58 These instances also demonstrate the need for ongoing evaluations of programs to determine whether they are effectively addressing the needs of Aboriginal and Torres Strait Islander people.

5.59 The Committee recommends that:

The Minister for Employment, Education and Training should ensure that:

· funding is provided to enable State and Territory Offices of DEET additional advisory field staff to work with ASSPA Committees, assisting parents to achieve the aims of the program, and to counsel school administrative personnel on their appropriate relationship with ASSPA committees;
(Recommendation 32)

and

· DEET State Offices tighten approval procedures to ensure that all expenditure by ASSPA Committees is consistent with the Program guidelines. (Recommendation 33)

Community-based Organisations

5.60 Community-based Aboriginal and Torres Strait Islander service delivery organisations play an important role in the delivery of specialised services to their people. Many Aboriginal and Torres Strait Islander people feel more comfortable dealing with these agencies because they provide services controlled by Aboriginal

and Torres Strait Islander people which are sensitive to their needs and cultures.

5.61 There is however a misunderstanding by many Aboriginal and non-Aboriginal people who expect that these organisations are there to deliver all services to Aboriginal and Torres Strait Islander people, bypassing the responsibilities of mainstream services providers.

5.62 The importance of community-based organisations in the implementation of policies and programs which particularly affect Aboriginal people cannot be over-emphasised. The Royal Commission into Aboriginal Deaths in Custody highlighted the role that these organisations play in its Recommendations.

Recommendation 188

Governments negotiate with appropriate Aboriginal organisations and communities to determine guidelines as to the procedures and processes which should be followed to ensure that the self-determination principle is applied in the design and implementation of any policy or program or the substantial modification of any policy or program which will particularly affect Aboriginal people.⁸

Recommendation 192

That in the implementation of any policy or program which will particularly affect Aboriginal people the delivery of the program should, as a matter of preference, be made by such Aboriginal organisations as are appropriate to deliver services pursuant to the policy or program on a contractual basis. Where no appropriate Aboriginal organisation is available to provide such service then any agency of Government delivering the service should, in consultation with appropriate Aboriginal organisations and communities, ensure that the processes to be adopted by the agency in the delivery of services are appropriate to the needs of the Aboriginal people and communities receiving such services. Particular emphasis should be given to the employment of Aboriginal people by the agency in the delivery of such services and in the design and management of the process adopted by the agency.⁹

5.63 The Committee fully endorses both of these recommendations. All Government departments and agencies at both State and Federal levels are urged to fulfil their responsibilities to Aboriginal and Torres Strait Islander people and their commitments in response to the Royal Commission Into Aboriginal Deaths In

⁸ Royal Commission Into Aboriginal Deaths In Custody, *National Report*, Vol 4 , p7

⁹ Royal Commission Into Aboriginal Deaths In Custody, *National Report*, Vol 4 , p28-29

Custody Report by actively implementing these procedures across all government activity and policy formulation.

5.64 There are two matters to note affecting these organisations. Firstly, community-based organisations fill an important gap in the delivery of services, to provide Aboriginal and Torres Strait Islander people with services that would otherwise be unavailable. Consequently, funding to these organisations should be adequate to ensure that they can fulfil their roles. Secondly, they should not be seen as the sole service providers to Aboriginal and Torres Strait Islander people, but rather, complementary to mainstream services.

Health Services

5.65 The misconception of Aboriginal and Torres Strait Islander community organisations being the sole service provider is particularly highlighted in the delivery of health services. There is a strong belief that Aboriginal and Torres Strait Islander medical services are there to deliver the full range of health services to Aboriginal and Torres Strait Islander people and also that it is the responsibility of ATSIC to totally fund these organisations.

5.66 The poor state of Aboriginal and Torres Strait Islander health is well known. On all indicators the state of Aboriginal and Torres Strait Islander health is considerably worse than that of the wider community. Access to adequate health services is a basic right but one which is denied to many Aboriginal and Torres Strait Islander people. Evidence was given by ATSIC that 80% of Aboriginal and Torres Strait Islander people are reliant on mainstream services. The Committee heard significant evidence that Aboriginal and Torres Strait Islander people do not receive equitable access or reasonable treatment in most mainstream health services. It can therefore be concluded that this has resulted in many Aboriginal and Torres Strait Islander people not receiving adequate health care.

5.67 The co-ordination of the delivery of health services to Aboriginal and Torres Strait Islander peoples and communities was of particular concern in the Committee's inquiries. In most areas there was a distinct lack of co-ordination between Commonwealth, State/Territory and community-based health care agencies. In many instances the burden of providing the full range of health care services has been left to the Aboriginal and Torres Strait Islander medical or health services.

5.68 In relative terms these organisations are fairly small, often employing small numbers of health workers and doctors but having to cope with large numbers of patients. They are under-resourced, over-stretched and unable to adequately engage in longer term health strategies and research, such as health education, disease prevention and extended care programs.

5.69 The Committee notes that these organisations were originally intended to fill gaps in the health system. They have now virtually become the sole source of health care for many communities, because they are culturally appropriate and acceptable

to Aboriginal and Torres Strait Islander people and take into account the special needs of Aboriginal and Torres Strait Islander people.

5.70 To address this unacceptable imbalance, there needs to be a greater commitment in the delivery of mainstream health services to ensuring they are appropriate and acceptable to Aboriginal and Torres Strait Islander people. This is particularly appropriate in regional planning processes where state health authorities can ensure local Aboriginal and Torres Strait Islander communities have input into the design and delivery of relevant services in their areas.

5.71 The distribution of Aboriginal and Torres Strait Islander medical services that are funded by ATSIC is shown in Figure 5.1. There are a number of areas, particularly in Western Queensland, where there are no such services and Aboriginal and Torres Strait Islander people must rely solely on mainstream health services.

5.72 Mainstream health services must become more responsive to the needs of Aboriginal and Torres Strait Islander people. This need is particularly evident in the public hospital system where many examples were cited to the Committee of poor service, culturally inappropriate facilities and treatment, and racist behaviour by some hospital personnel. The employment of Aboriginal and Torres Strait Islander Liaison staff in some public hospitals has had some impact in reducing these problems but much greater attention on structural issues needs to occur in many of these facilities.

5.73 There is a need for mainstream health services to recognise their responsibilities. They also need to recognise their deficiencies and the need to co-ordinate and co-operate with local Aboriginal and Torres Strait Islander health/medical services. A good example of this, discussed in greater detail in Chapter 4, is the Strategic Plan for Aboriginal Health in South Western Sydney, which provides a practical means for articulating national and State health objectives in relation to Aboriginal and Torres Strait Islander people to the local level. This plan recognises the importance of a local Aboriginal and Torres Strait Islander organisation in the delivery of essential health services.

5.74 The Department of Health, Housing, Local Government and Community Services (HHLG&CS) indicated that a national average of \$1,904 per person per annum is being spent on health for all Australians. It also identified that \$200 per person per annum is being spent by ATSIC on Aboriginal and Torres Strait Islander health. When asked for a national average health expenditure on Aboriginal and Torres Strait Islander people the Department sought to add the ATSIC figure to the national average. In the light of evidence to this and other inquiries, it is quite clear that despite their high morbidity, Aboriginals and Torres Strait Islanders do not gain average access to mainstream health services. The Committee rejects the proposition that Aboriginal and Torres Strait Islander people are receiving greater funding of their health needs than other Australians. Rather, the opposite appears to be the case.

5.75 The Department of HHLG&CS also indicated that it is difficult to identify where funding is being allocated and for what purposes. Given that Aboriginal and Torres Strait Islander health is quite poor, it is obvious that more resources are needed, targeted specifically at the causes of poor health and delivered in an effective way. These areas include nutrition, health education, improvement in housing, adequate water supply and sewerage.

5.76 The National Aboriginal Health Strategy is the agreed outcome of negotiations between the Commonwealth, States and Territories. The Commonwealth is providing an additional \$232 million over the five years to 1994-95 to improve unacceptable health and infrastructure standards in Aboriginal communities. Commonwealth funding is subject to the States and Territories making broadly matching commitments. Funds are being used to:

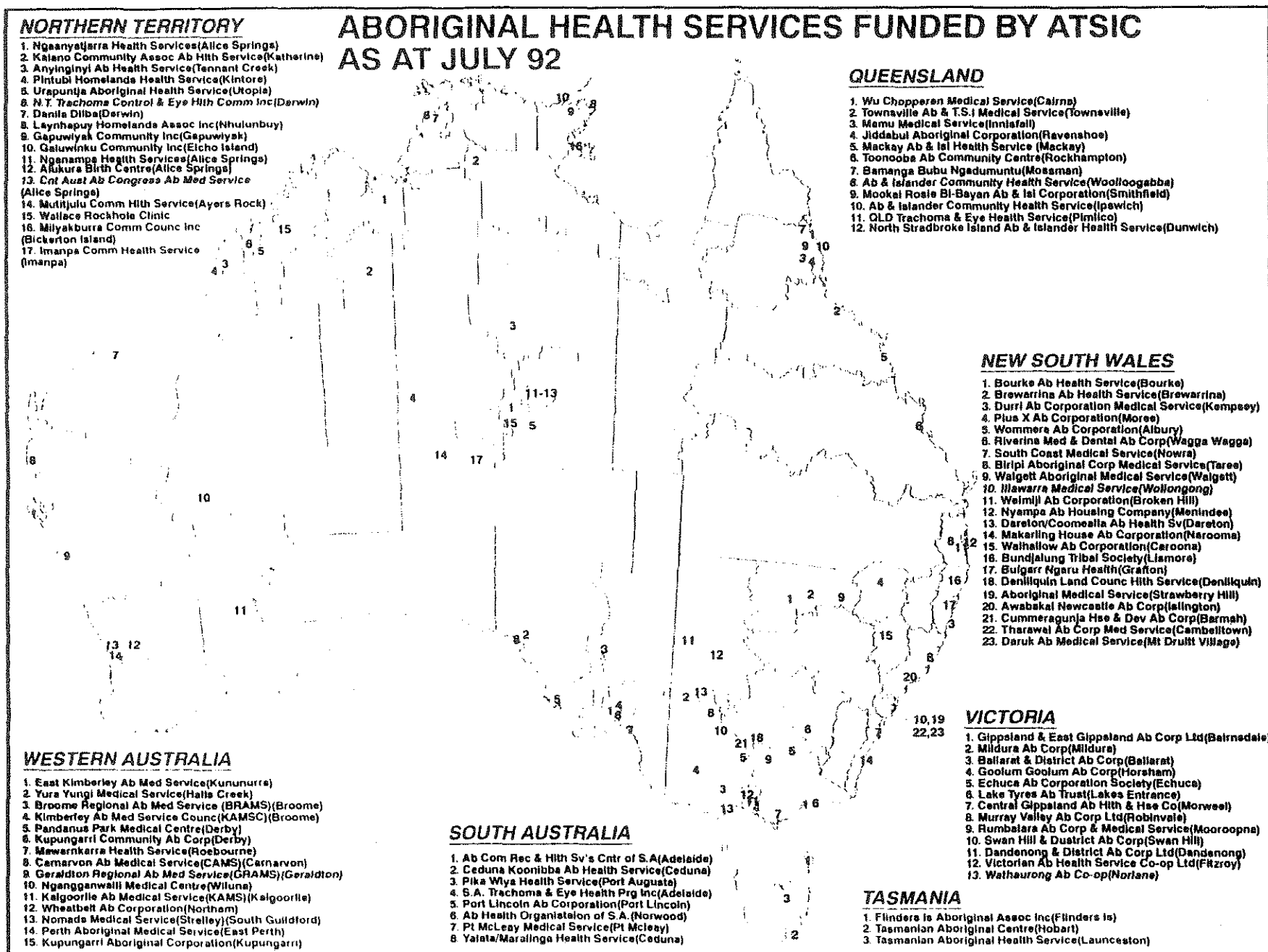
- . address urgent needs in Aboriginal and Torres Strait Islander communities such as housing, water, sewerage, electricity, *communications and roads*;
- . establish new, and enable upgrading of existing, Aboriginal community controlled health services;
- . establish a capacity within ATSIC for overseeing and co-ordinating implementation of the Strategy;
- . increase the efforts by the Australian Institute of Health and Welfare on Aboriginal and Torres Strait Islander health statistics; and
- . increase efforts, over the five year period of the strategy of the National Campaign Against Drug Abuse, in the area of projects targeted at Aboriginal and Torres Strait Islander people.¹⁰

5.77 The development of effective Aboriginal and Torres Strait Islander community controlled health services continues as a vital part of ATSIC's ongoing health program. In 1992-93, ATSIC funded 91 community controlled health services, 22 of which also provided dental services.

5.78 The National Aboriginal Health Strategy includes strategies to assist in formalising Aboriginal and Torres Strait Islander health workers as a professional grouping as well as increasing the employment opportunities of Aboriginal and Torres Strait Islander people in health care institutions and health related occupations. In addition, emphasis is being placed on maximising the education, training and employment opportunities in infrastructure related areas and on encouraging local contractors to employ Aboriginal and Torres Strait Islander people.

¹⁰ *Social Justice for Indigenous Australians 1993-94*, circulated by the Hon R Tickner MP, Minister for Aboriginal and Torres Strait Islander Affairs, AGPS, Canberra, p53

Figure 5.1 Aboriginal Health Services funded by ATSIC



5.79 There must also be a coordinated approach to the delivery of services to children, young people, women, men and older people to effectively target each group of people who have different health related problems.

5.80 For example, the incidence of ear infection in Aboriginal and Torres Strait Islander children was quite staggering. In discussions at the Durri Medical Centre in Kempsey, it was stated that a staggering 98% of the Aboriginal children in the area were hearing impaired due to Otitis Media (a condition also known as 'Glue Ear'). At age 6 they are 3 years behind in language level and socialisation. This ultimately affects a child's ability to learn and communicate and can have a marked detrimental effect on a child's development. The Committee was also told that this specific problem has been known for years but has not been effectively addressed. The cause of Otitis Media was not known but the precursors were smoking, overcrowding, malnutrition and poverty.

5.81 During the Committee's visit to Thursday Island it was told of poor health statistics in the Torres Strait Islands compared to that of the total Queensland population. Specifically, the Committee was told of the high incidence of diabetes in the Torres Strait. It was estimated that as many as 30-40% of the young adults in the Torres Strait Islands had diabetes. Diet and lifestyle were significant contributors to this.

5.82 In statistics that were provided to the Committee by the Torres Health Council, the rates of stillbirth, neonatal death, perinatal mortality and infant mortality were all more than twice the Queensland averages.

5.83 It is widely recognised that the poor health of Aboriginal and Torres Strait Islander peoples is the result of extreme social disadvantage. Inadequate housing, lack of essential services such as sewerage, electricity and water and even dust from unsealed roads are all causes of health problems in Aboriginal and Torres Strait Islander communities. Added to these are lifestyle factors such as diet, smoking and, in many instances, alcohol abuse.

5.84 These problems must be addressed in a systematic and coordinated way. All levels of government should recognise and act upon their particular responsibilities toward Aboriginal and Torres Strait Islander health and the importance of community-based health services with the important links these organisations have with Aboriginal and Torres Strait Islander people at the grass roots level.

5.85 In the health portfolio a serious lapse of the Access and Equity Strategy occurred as reported by Dr Shergold of ATSIC:

A policy was prepared and went forward on tackling tobacco consumption. We were not consulted. The rate of smoking is, I think, 33 or 34 per cent in the total Australian community; amongst Aboriginal people it is somewhere between 74 and 75 per cent. It is clearly something that is of crucial interest to Aboriginal and Torres Strait Islander people. Yet nobody thought, 'We are preparing a policy

on tobacco consumption, does it have a particular relevance to Aboriginal people?. My dealings with Secretaries at the head office level involve trying to overcome that problem.¹¹

This is a good example of why the Access and Equity Strategy provisions are necessary. In Chapter 2 the Committee outlined how the National Health Strategy overlooked Aboriginal and Torres Strait Islander people in one of its issues papers.

5.86 The lack of access to health services and the lack of co-operation amongst service providers is highlighted by the Central Australian Aboriginal Congress in its submission:

Many communities in Central Australia lack adequate health services. Many Aboriginal people are not able to access services taken for granted in the rest of Australia. For example, it is estimated that over 100 people have a visual impairment due to cataracts in Central Australia. Cataracts are a simply treatable cause of blindness, but we have been unable to get the response from the Northern Territory Department of Health and Community Services to resolve this issue despite raising it for the past five years. Also there are a number of deaths that we know of that have been due to Rheumatic valvular heart disease - deaths that rarely occur in other population groups due to access to surgical treatment - heart valve replacement surgery.¹²

5.87 State and Territory Governments do receive substantial Commonwealth funding through the Medicare Funding Agreements for the delivery of health services to all Australians, including Aboriginal and Torres Strait Islander people. State Health Departments are responsible for the delivery of appropriate health services and these need to be accessible to Aboriginal and Torres Strait Islander communities, culturally appropriate and responsive to local needs.

5.88 The Committee believes that there would be substantial improvement if State and Territory regional health authorities worked closely with Aboriginal and Torres Strait Islander Community health services and ATSIC Regional Councils to identify major health issues and the appropriate local strategies to target these needs in their regions. State and Territory health authorities should be meeting their responsibility to effectively deliver health services by increasing their funding allocation to Aboriginal and Torres Strait Islander community health services.

5.89 The Committee was pleased to note that in Kalgoorlie the Western Australian Health Department had contracted the Kalgoorlie Aboriginal Medical Service (Bega Garnbirruju Health Services) to carry out the delivery of some health services that it recognised it could not do as effectively. This approach should be more widely

¹¹ Evidence, p133

¹² Evidence, pS561

adopted by mainstream service providers at the same time as they improve the cultural appropriateness of mainstream services.

5.90 Further, public health services in regions need to have greater input from local Aboriginal and Torres Strait Islander communities to identify and rectify barriers existing in these facilities which deny Aboriginal and Torres Strait Islander people from accessing mainstream services.

5.91 The Committee confirms that health is a major issue for Aboriginal and Torres Strait Islander people and should be allocated the highest priority by all levels of government.

5.92 The Committee recommends that:

the Commonwealth should ensure that the Medicare Agreements with State/Territory Governments contain specific reference to the process of co-operation and co-ordination with Aboriginal and Torres Strait Islander community organisations and ATSIC at a regional and state level, to achieve more effective and efficient delivery of health services, responsive to the needs of local Aboriginal and Torres Strait Islander communities; (Recommendation 34) and

it should be a requirement that each regional health authority, where appropriate, establish an Aboriginal and Torres Strait Islander Consultative Committee to co-ordinate greater input by local communities into the management, operation and delivery of public health services in each region. (Recommendation 35)

Housing and Infrastructure and Local Government Services

5.93 The Aboriginal and Torres Strait Islander Commission submission notes that:

*The provision of municipal services, to Aboriginal and non-Aboriginal communities alike, is the responsibility of State, Territory and local governments. Past experience shows that these services have been neglected or ignored, leading to the situation where many Aboriginal and Torres Strait Islander people are living in sub-standard conditions.*¹³

¹³ Evidence, pS148

Further:

The role of ATSIC in providing housing and infrastructure services is to supplement the efforts of State, Territory and Local Governments and to monitor access of Aboriginal and Torres Strait Islander peoples to housing and infrastructure services. The Commonwealth Department of Health, Housing, [Local Government] and Community Services also provides for Aboriginal and Torres Strait Islander specific housing through the Aboriginal Rental Housing Program of the Commonwealth State Housing Agreement. This recognises that the State, Territory and Local Governments have the prime responsibility for providing housing and infrastructure to the Aboriginal and Torres Strait Islander residents.¹⁴

5.94 ATSIC have also undertaken a survey of Aboriginal and Torres Strait Islander housing and infrastructure needs in rural and remote areas. The second stage of this survey focuses on the needs of urban Aboriginal and Torres Strait Islander people. Some of the major findings of the first stage report in rural and remote areas are as follows:

Housing: about 60,000 Aboriginal and Torres Strait Islander people have an immediate housing need.

Infrastructure: the quality of drinking water affecting over 14,000 people, in 302 communities of 890 surveyed, does not comply with national guidelines;

over 3000 people had experienced water restrictions in the previous twelve months, mostly due to infrastructure limitations (such as pumps, and storage and reticulation systems);

over 54,000 people live in communities with unsealed or partly sealed roads;

over 40,000 people live in communities with unsealed or partly sealed access roads;

over 12,000 people live in communities with no access roads;

about 5000 requiring access to an airfield had no access;

about 8500 people have no electricity supply; and

¹⁴ Evidence, pS147

*about 3500 people are without a sewage disposal system, while others had systems which did not work satisfactorily.*¹⁵

5.95 In a report of the National Housing Strategy - Housing Choice: Reducing the Barriers, the greatest obstacles to appropriate and affordable housing for Aboriginal and Torres Strait Islander people were identified as:

a continuing lack of adequate consultation with consumers;

an inadequate supply of dwellings;

insufficient and inflexible funding;

provider driven responses to Aboriginal and Torres Strait Islander housing need;

inappropriate design;

poorly coordinated and, therefore, inefficient provision of housing services; and

*under utilisation or lack of skills of Aboriginal and Torres Strait Islander people in housing provision and management.*¹⁶

5.96 Some suggested initiatives outlined by the National Housing Strategy include the following:

improved training, which includes the process involved in housing provision, tenancy and property management and maintenance;

housing provision better matched with the population distribution of Aboriginal and Torres Strait people;

use of local materials and Aboriginal and Torres Strait Islander labour in the construction of houses to develop more appropriate housing and skills and employment opportunities;

provision of housing related services streamlined through fewer agencies to simplify the process and reduce costly duplication and other inefficiencies;

¹⁵ Evidence, pS147

¹⁶ The National Housing Strategy, *Housing Choice: reducing the barriers - Issues Paper No. 6*, AGPS, 1992, p134-35

*consideration of a national three year rolling program for housing and infrastructure with specific objectives, appropriate reporting requirements and performance indicators.*¹⁷

5.97 Funding also presents serious concern. ATSIC estimates the funding needed for infrastructure at approximately \$1 billion, with a further \$1.5 billion identified for housing requirements. Upgrading and repairs to external and local community roads require \$240 million alone.¹⁸

5.98 In its report, *Mainly Urban*, the Committee recommended:

*The Minister for Aboriginal and Torres Strait Islander Affairs in conjunction with the Aboriginal and Torres Strait Islander Commission and State and Territory Ministers develop a strategy with appropriate funding to address the backlog of Aboriginal and Torres Strait Islander housing needs over the next 10 years as a matter of high priority. (Recommendation 38)*¹⁹

5.99 While the Commonwealth's response to the recommendation was one of support, the funding outlined will only just cover the current backlog over the next ten years. It will not cover the rapid expansion in family formation and consequent housing needs that Aboriginal and Torres Strait Islander demographics indicate will occur.²⁰ See Figure 2.1.

5.100 While ATSIC provides funds specifically for rental assistance and home purchase for Aboriginal and Torres Strait Islander people, the extent of access Aboriginal and Torres Strait Islander people have to these services is unclear.

5.101 The Committee heard considerable evidence from Aboriginal and Torres Strait Islander people about the unacceptable state of housing, both in the provision and in the design of housing. This situation is unacceptable and the Committee is strongly of the view that greater co-ordination is required, especially at the state/territory and local government level, among the main housing providers.

5.102 On the Committee's visit to Amata in South Australia, it was told that 40 more houses were needed in the community to ensure that all the families were

¹⁷ The National Housing Strategy, *Housing Choice: reducing the barriers - Issues Paper No. 6*, AGPS, 1992, pp134-35

¹⁸ Evidence, pS148

¹⁹ *Mainly Urban*, p133

²⁰ Government Response to the Recommendations of *Mainly Urban - Report of the Inquiry into the Needs of Urban Dwelling Aboriginal and Torres Strait Islander People*, A Report by the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, p50

adequately housed. About 30-40 families had to live with relatives and sometimes there were 17 people to a house. Only one or two new houses were built each year, one by ATSIC and the other by State Housing. The Committee was also told that contractors were brought in to carry out the work and that local Aboriginal people were not used to assist, even though people in the community had the skills to carry out the work.

5.103 Further problems were highlighted in the provision of water supply. It was stated that at present the water supply came from the bore, but whenever new houses were built they should be supplied with tanks to catch the rainwater and supplement the bore supply. Community members were concerned about the effect on health of prolonged bore water use. It was pointed out that non-Aboriginal people who worked in Amata were provided with plenty of tanks for rainwater, but the local people did not get them. About 20 non-Aboriginals lived and worked in the community and all these people had their own houses, complete with tanks. The response from representatives of the South Australian State Government was that because the non-Aboriginals were government employees they were entitled to proper accommodation.²¹

5.104 In New Burnt Bridge in northern NSW, the community had been living in caravans and other sub-standard accommodation for years.

5.105 Funding was approved for providing much needed housing but the Committee was told that the ATSIC Regional Office in Lismore was pushing the Community into making a decision which was not what the Community wanted. The New Burnt Bridge Aboriginal Corporation had had an architect for three years who they felt confident with, but the Regional Office wanted to bring in another architect that the Corporation had no confidence in. The association preferred to have the architect they had been using rather than starting from scratch again. The Committee was told that the Regional Office said that unless the Corporation used the architect suggested by the Regional Office the Corporation would lose the funds.

5.106 In evidence to the Inquiry the ATSIC Central Office representatives stated that:

With regard to housing funded through ATSIC, and therefore funded to community organisations, it is up to the organisation to make their own design arrangements. There is a provision for them to do that within ATSIC funding guidelines.²²

This is in contradiction to the apparent position of the Regional Office.

²¹ Evidence, p395

²² Evidence, p141

5.107 The New Burnt Bridge Aboriginal Corporation took ATSIC to the Federal Court. The Committee is most concerned that the situation was allowed to deteriorate to this stage. Fortunately the Commonwealth Ombudsman helped mediate an out-of-court settlement. This allows the Corporation to select a project manager for stage one of the project which is funded for \$2.46 million.

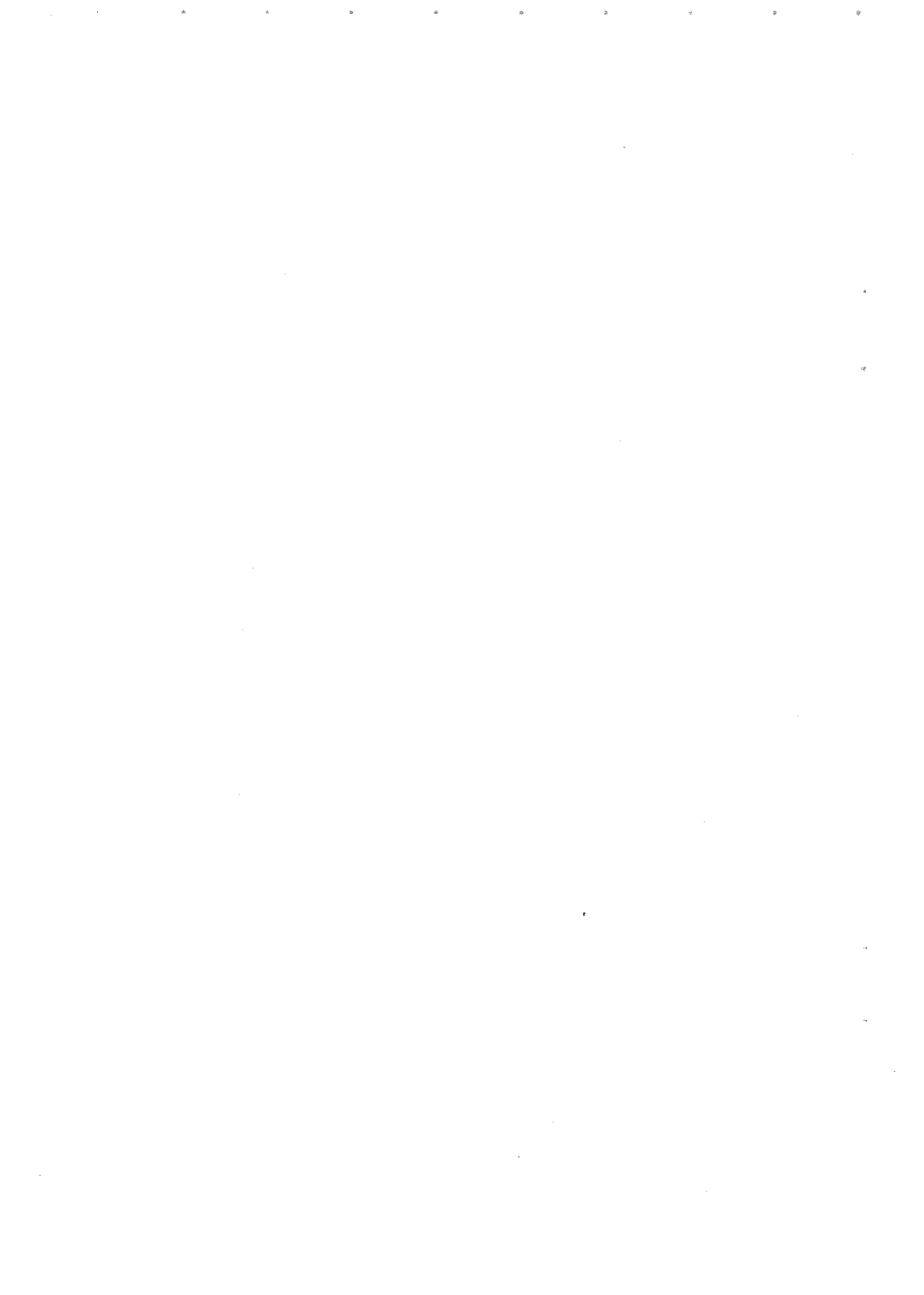
5.108 At the Ninga Mia community on the outskirts of Kalgoorlie, the Committee experienced at first hand the extent to which Aboriginal people had been dispossessed. The residents live under appalling conditions due in large part to neglect by various Government service providers in areas such as housing, water, health, sewerage and electricity.

5.109 The housing in this Community can best be described as appalling and totally unacceptable.

5.110 The Ninga Mia Community is funded by Aboriginal Hostels Limited and was originally designed to provide temporary fringe dwelling accommodation. However the Community now has approximately 100 permanent residents from a number of communities and language groups as well as itinerant Aboriginal people from as far away as Esperance and Warburton.

5.111 It is clear that there has been a failure to identify the changing nature of Ninga Mia and the developing needs and aspirations of the residents. Despite the overwhelming physical evidence of appalling living conditions, which is available to any person who visits Ninga Mia, no effort has been made by ATSIC or other Government departments or agencies to tackle the fundamental problems or needs of this community.

5.112 This example is a symptom of a much wider problem confronting Aboriginal and Torres Strait Islander peoples throughout Australia. It is not an isolated example. The responsibility for funding essential services in many communities has been left mainly to Aboriginal and Torres Strait Islander organisations and the Aboriginal and Torres Strait Islander Commission, with an apparent lack of input from other Commonwealth, State and Local government service providers. There are many areas where the neglect of mainstream service providers towards Aboriginal and Torres Strait Islander communities has forced ATSIC (and its predecessors) to fund services that are mainstream Commonwealth, State, Territory and Local Government responsibilities.



CHAPTER 6

CONCLUSION

6.1 Much of the previous chapters deal with the barriers to access and equity for Aboriginal and Torres Strait Islander people and the means of overcoming these, particularly with the greater coordination of effort by mainstream government services and greater Aboriginal and Torres Strait Islander community input into the planning and delivery of services.

6.2 The object of the Commonwealth's Access and Equity Strategy is the identification and removal, wherever possible, of barriers to access to government services. It must be emphasised that the onus for effective and efficient service delivery should be on each and every Commonwealth department and agency. Aboriginal and Torres Strait Islander people should not be blamed or held to ransom for the inability of governments to adequately cater for their needs. Departments and agencies need to ensure that Aboriginal and Torres Strait Islander peoples receive a fair and equitable share of the available resources and of the opportunity to participate in the planning and delivery of services.

6.3 As has been demonstrated, Aboriginal and Torres Strait Islander peoples are still being denied their basic rights to some Commonwealth, State, Territory and local government services that are available to all Australians. This has occurred for a variety of reasons outlined throughout the report. Much needs to be done to ensure that the most disadvantaged and dispossessed groups of people in Australia are given appropriate access to, and an equitable share in, the resources that are available to all.

6.4 It must be recognised, however, that achieving Access and Equity is not easy. As can be seen from the efforts that the Department of Social Security has undertaken, it takes a considerable amount of commitment, and properly targeted delivery of programs and services, to ensure that Aboriginal and Torres Strait Islander people receive their correct entitlements. These points were also highlighted by the Evaluation of the Access and Equity Strategy by the Office of Multicultural Affairs.

6.5 Despite the attempts by DSS to remove the barriers of Access and Equity for Aboriginal and Torres Strait Islander peoples, there are still gaps that need to be addressed by this department. A survey of CDEP participants identified that 11% of participants were not receiving DSS benefits to which they were entitled. Also, as previously mentioned in Chapter 2, there appears to be a need for greater care in the distribution of benefit and allowance advices, particularly to remote communities.

6.6 This demonstrates the difficult tasks confronting departments and agencies in delivering services to Aboriginal and Torres Strait Islander people in a manner which enables full access to and equity in the range of government services available.

6.7 It is no longer good enough for government departments and agencies to have a special unit or section for Aboriginal and Torres Strait Islander clients. If there are to be real advances in overcoming the socio-economic challenges facing Aboriginal and Torres Strait Islander peoples, all programs have to be designed with appropriate input from the particular target groups to identify the needs and plan the strategies for each group. This includes women, older people, youth, people with disabilities and people for whom English is a second or third language.

6.8 The diversity of Aboriginal and Torres Strait Islander cultures, languages and geographic distribution across urban, rural and remote areas also have to be taken into account.

6.9 While some departments and agencies, such as DSS, have achieved major advances in Access and Equity, the majority have not succeeded in significantly improving outcomes for Aboriginal and Torres Strait Islander peoples, particularly in health, education, employment and housing, nor in the provision of essential services, such as water, electricity and sewerage.

6.10 This has also been the case in the slow acceptance and application of the Strategy by the policy orientated departments and agencies. These departments have had the most difficulty in coming to terms with the Access and Equity Strategy and in finding meaningful outcomes for target groups, including Aboriginal and Torres Strait Islander peoples.

6.11 In general, the Committee found that knowledge of the Access and Equity Strategy by departments at the local and regional level was limited and that many Aboriginal and Torres Strait Islander community organisations did not know about the Strategy. It is obvious that community organisations have not had significant involvement in the design and delivery of programs. It is also essential that these organisations have some understanding of the Strategy to ensure that they have a better understanding of the rights and entitlements of their members.

6.12 Commonwealth departments and agencies also need to ensure that information about their programs and services is easy to read and readily available to all Australians.

6.13 In conclusion, there needs to be a greater effort to co-ordinate services to Aboriginal and Torres Strait Islander peoples and communities. This issue has been discussed for a number of years and the Committee has heard of the great frustration of Aboriginal and Torres Strait Islander peoples at the lack of co-ordination and insensitivity of departments and agencies, at all levels, to adequately consider and take into account their needs.

6.14 It was a common complaint heard in virtually every place that the Committee

visited that simple, modest project or service proposals for which there was an obvious need were rejected because "it doesn't meet the guidelines". The quote could have been the title of the report as it sums up the all too frequent mismatch between Aboriginal or Torres Strait Islander needs and the provisions made for mainstream service delivery.

6.15 Aboriginal and Torres Strait Islander communities and community organisations frequently adopt a holistic approach to resolving problems and their solutions often cut across several mainstream service delivery categories. More flexible service delivery mechanisms are necessary to avoid the reliance by organisations on multiple agency funding and the differing reporting requirements that go with such funding, together with the uncertainty of future funding when a variety of programs are involved.

6.16 There also needs to be a greater urgency on the part of departments and agencies to fulfil their obligations in implementing the recommendations of the Royal Commission into Aboriginal Deaths in Custody, as indicated in their responses to the Report. There is still a great deal of scepticism within Aboriginal and Torres Strait Islander communities as to where the Royal Commission funding is being directed.

6.17 *Access and Equity is an important strategy.* A greater commitment from all departments and agencies is needed to ensure that it is used to significantly improve the outcomes for Aboriginal and Torres Strait Islander peoples.

6.18 The Committee notes the unanimous endorsement by both Houses of Parliament of greater co-operation in Aboriginal and Torres Strait Islander affairs at all levels of government. The preamble to the *Council for Reconciliation Act 1991* includes a commitment from the Parliament that:

as a part of the reconciliation process, the Commonwealth will seek an ongoing national commitment from governments at all levels to co-operate and to co-ordinate with the Aboriginal and Torres Strait Islander Commission as appropriate to address progressively Aboriginal disadvantage and aspirations in relation to land, housing, law and justice, cultural heritage, education, employment, health, infrastructure, economic development and any other relevant matters in the decade leading to the centenary of Federation, 2001.

6.19 The Committee is also concerned that the Senate has no specialist Committee to which Aboriginal and Torres Strait Islander affairs matters can be referred. There appears, from the extent of questions to Ministers and debate on various issues within the Senate, to be a high level of interest in the management of Aboriginal and Torres Strait Islander Affairs by Senators. It is this Committee's view that it would welcome both the inclusion of Senators on this Committee, and the capacity of the Senate to refer matters to the Committee. For this to be achieved, the Committee would need to be expanded to become a Joint Standing Committee.

6.20 The Committee recommends that:

the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs becomes a joint standing committee of both Houses of the Federal Parliament:

among other matters, the Joint Standing Committee should automatically have referred to it for review, the annual report of the Aboriginal and Torres Strait Islander Social Justice Commissioner, the annual report on the implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody, and the annual report on the Access and Equity Strategy as it relates to Aboriginal and Torres Strait Islander affairs if not already covered in the above reports; (Recommendation 37)

and

the House of Representatives members of this Joint Standing Committee should be appointed using the same formula as the existing standing committee. In addition, there should be two senators each from the Government and the Opposition together with a third senator from the minor parties or independents. (Recommendation 38)

Garrie Gibson, MP
Chairperson

26 November 1993

Submissions

Submission No.	Body/Organisation
1	Diane Smith Research Fellow Centre for Aboriginal Economic Policy Research Australian National University Canberra, ACT
2	Eleanor A Bourke Director Aboriginal Research Institute University of South Australia Adelaide, SA
3	Phillip Morrissey Director Aboriginal Programs University of Adelaide Adelaide, SA
4	Hon Michael Lee MP Minister for Tourism Canberra, ACT
5	Department of Employment, Education & Training Canberra, ACT
6	National Board of Employment, Education & Training Canberra, ACT
7	Telecom Australia Melbourne, Vic
8	Tangentyere Council Alice Springs, NT
9	Hon Laurie Brereton Minister for Industrial Relations Canberra, ACT

- 10 Trade Practices Commission
Canberra, ACT
- 11 Australian Bureau of Statistics
Canberra, ACT
- 12 Aboriginal and Torres Strait Islander Commission
Canberra, ACT
- 13 Department of Health, Housing, Local Government
and Community Services
Canberra, ACT
- 14 Mr David Huggonson
Canberra, ACT
- 15 Hon Peter Baldwin MP
Minister for Social Security
Canberra, ACT
- 16 Commonwealth Grants Commission
Canberra, ACT
- 17 Torres Strait Cathedral College Inc.
Thursday Island, Qld
- 18 Department of the Environment,
Sport and Territories
Canberra, ACT
- 19 Torres Strait Radio
Thursday Island, Qld
- 20 Office of Multicultural Affairs
Department of the Prime Minister and Cabinet
Canberra, ACT
- 21 Australian Federal Police
Canberra, ACT
- 22 Central Australian Aboriginal Congress Inc.
Alice Springs, NT
- 23 Meat Research Corporation
Sydney, NSW
- 24 Department of Transport and Communications
Canberra, ACT

- 25 Department of Defence
Canberra, ACT
- 26 Department of Industry, Technology and Regional
Development, Canberra, ACT
- 27 Department of Immigration and Ethnic Affairs
Canberra, ACT
- 28 Department of Primary Industries and Energy
Canberra, ACT
- 29 Mr W E Carroll
Melbourne, Victoria
- 30 Murray-Darling Basin Commission
Canberra, ACT
- 31 Aboriginal Hostels Limited
Canberra, ACT
- 32 Australian Broadcasting Commission
Sydney, NSW
- 33 Aboriginal and Torres Strait Islander Commission
Brisbane, Qld
- 34 Australian Public Service Commission
Canberra, ACT
- 35 Attorney-General's Department
Canberra, ACT
(letter only)
- 36 Mr Alan Harris
Kalkaringji via Katherine, NT
- 37 Government of Western Australia
Perth, WA
- 38 Department of Health, Housing, Local
Government and Community Services
West Australian Office
Perth, WA
- 39 National Committee to Defend Black Rights
Perth, WA

- 40 Booroongen Djugun Aboriginal Corporation
Kempsey, NSW
- 41 National Aboriginal and Torres Strait Islander
Employer Association Ltd.
Melbourne, Vic
- 42 Australian Electoral Commission
Canberra, ACT
- 43 Australian Capital Territory Government
Canberra, ACT
- 44 Aboriginal and Torres Strait Islander Commission
Townsville Regional Office
Townsville, Qld
(supplementary submission)
- 45 Magani Malu Kes
Townsville, Qld
- 46 Department of the Environment,
Sport and Territories
Canberra, ACT
(supplementary submission)
- 47 Department of the Arts
and Administrative Services
Canberra, ACT
- 48 Department of Health, Housing, Local
Government and Community Services
Canberra, ACT
(supplementary submission)
- 49 Office of Aboriginal Development
Northern Territory Government
Darwin, NT
- 50 Tasmanian Government,
Hobart, Tas
- 51 Northern Territory Government
Darwin, NT
(supplementary submission)

Public Hearings Held and Witnesses Heard

10 AUGUST 1993 - BRISBANE, QLD

Queensland State Government

CASEY, Ms S	Policy Coordinator, Department of Family Services and Aboriginal and Islander Affairs
SPEED, Ms J	Acting Director, Department of Health
WAUCHOPE, Mr J	Assistant Divisional Head, Department of Family Services and Aboriginal and Islander Affairs
WILLS, Mr M	Director, Department of Family Services and Aboriginal and Islander Affairs

Aboriginal and Torres Strait Islander Commission

MORETON-ROBINSON, Ms	Manager, Social Section
RICHARDSON, Mr G	Acting State Manager

Department of Employment, Education and Training

CHARTERS, Mr M	Assistant Director, Aboriginal Employment Development Branch
MARTIN, Mr D	Deputy State Director
O'NEIL, Mr B	Director, Aboriginal and Education Programs

Department of Health, Housing, Local Government and Community Services

KERSWELL, Mr G	Director, Planning, Health and Housing Branch
RIORDAN, Mr K	Acting State Manager
TATOW, Mr D	Aboriginal Services Coordinator

11 AUGUST 1993 - ROCKHAMPTON, QLD

Aboriginal and Torres Strait Islander Commission

BLAIR, Mr R	Chairperson, Central Queensland Regional Council
BUTTON, Mr B	Chairman, Wakka Wakka Wadja Wadja Regional Council
GUTHRIE, Mrs G	Regional Manager
KAURIN, Mr Z	Business Service Manager

13 AUGUST 1993 - CAIRNS, QLD

Aboriginal and Torres Strait Islander Commission

AHKEE, Mr M	Senior Project Officer
DEEMAL, Mr H	Supervising Senior Project Officer
POPP, Mr T	Regional Manager
REYS, Mr K	Manager, Special Services
SEDEN, Ms P	Housing Loans Officer
WHITE, Mr B	Senior Project Officer

19 AUGUST 1993 - CANBERRA, ACT

Office of Multicultural Affairs, Department of the Prime Minister and Cabinet

EDWARDS, Mr N	First Assistant Secretary
PAGONIS, Mr C	Senior Adviser, Access, Equity and Legal Section

Aboriginal and Torres Strait Islander Commission

FONDUM, Mr C	Acting Manager, Commonwealth-State Relations Strategic Development Unit
MYERS, Mr I	Assistant General Manager, Health and Community Development Branch
PLOWMAN, Mr C	Assistant General Manager, Community Services Branch
SHERGOLD, Dr P	Chief Executive Officer
SMITH, Ms L	Manager, International Issues and Human Rights Branch
TAYLOR, Mr R	Manager, Regional and Community Planning Section
WISDOM, Mr S	Manager, Royal Commission Government Responses Monitoring Unit

20 AUGUST 1993 - CANBERRA, ACT

Department of Employment, Education and Training

BUCKSKIN, Mr P	Assistant Secretary, Post-Compulsory and Aboriginal Education Branch
BUTLER, Ms S	Assistant Secretary, Aboriginal Employment Strategies Branch
DANIELS, Mr W	First Assistant Secretary, Student and Aboriginal Programs Division

DOBOV, Ms R	Assistant Secretary, Student Assistance Support Branch
LINDENMAYER, Mr I	Deputy Secretary
MORAN, Ms P	Assistant Secretary, Planning and Performance Branch
WARE, Mr D	Director, Targeted Programs Policy

Department of Health, Housing, Local Government and Community Services

CAPITAINE, Ms M	Acting Director, Aboriginal Housing, Housing Assistance Branch
HARMER, Dr J	First Assistant Secretary, Policy Development Division
PAUL, Ms L	Assistant Secretary, Programs and Planning Branch
POWALL, Ms M	Assistant Secretary, Health Development Branch
RENNIE, Mr A	Acting Assistant Secretary, Medicare Benefits Branch
WHALAN, Ms G	Senior Officer, Aboriginal and Torres Strait Islander/Rural and Remote Services

Department of Social Security

GRIFFITHS, Mr R	Assistant Director, Aboriginal and Torres Strait Islander Services Section
LOCKE, Mr W	Manager, Aboriginal and Torres Strait Islander Services Section
McCABE, Mr M	Director, Aboriginal and Torres Strait Islander Services Section
McWILLIAM, Mr J	Assistant Secretary, Client Service Programs
SATOUR, Mr T	Deputy Area Manager, Area Central Queensland

STANTON, Mr D

First-Assistant Secretary,
Family Programs Division

Federal Bureau of Consumer Affairs

SABIC, Ms D

Acting Director,
Research, Information and
Education Section

WOOD, Mr J

Director

Trade Practices Commission

ASHER, Mr A

Commissioner

NEUMANN, Ms G

Executive Assistant

26 AUGUST 1993 - DARWIN, NT

Northern Territory Government

COLES, Mr D

Assistant Director,
Policy and Development, Office of
Aboriginal Development

GRIFFITH, Mr D

Director,
Planning and Revenue,
NT Department of Education

HARRISON, Mr R

Northern Territory Statistician,
Australian Bureau of Statistics

TAYLOR, Mr A

Acting Supervisor, National Aboriginal and
Torres Strait Islander Statistics Unit

Aboriginal and Torres Strait Islander Commission

ALLMARK, Mr R	State Manager
KAILOLA, Mr H	Regional Manager
TIPILOURA, Mr B	Chairman, Tiwi Island Regional Council

Department of Employment, Education and Training

BAIRD, Mr S	Director of Education, Aboriginal Programs
LEWIS, Mr J	Territory Director

8 SEPTEMBER 1993 - SYDNEY, NSW

Aboriginal and Torres Strait Islander Commission

ANDERSON, Mrs M	Regional Councillor
CARROLL, Ms E	Chairperson, Regional Council
DELANEY, Mr J	Regional Councillor
ELLA, Mr G	Assistant Manager, Social Programs
FAULKNER, Mr R	Acting State Manager
FOLEY, Mr C	Regional Councillor
KENDALL, Mr B	Regional Councillor
MUMBULLA, Ms C	Regional Councillor
PHILLIPS, Mr S	Regional Councillor
STEWART, Mr R	Regional Council
STONE, Mr J	Deputy State Manager
WALKER, Mr P	Regional Councillor

Department of Employment, Education and Training

BIRD, Mr K	Acting Deputy State Director
FIELD, Mrs R	Director, Aboriginal Programs Branch
GILBERT, Mr A	Director, Employment Access Branch
LEWIS, Mr G	Director, Industry Training Branch
SAUNDERS, Mr B	Industry Adviser for Aboriginal Employment
WILSON, Mr I	Manager, Youth Services Section

22 SEPTEMBER 1993 - ADELAIDE, SA

State Government of South Australia

CARROLL, Mr B	Office of Cabinet and Government Management, Department of the Premier and Cabinet
FRYER, Mr M	Executive Assistant, Aboriginal Education, Department of Education
RATHMAN, Mr D	Chief Executive Officer, Department of Aboriginal Affairs
TAYLOR, Mr M	Manager, Health Programs, Country Health Services Division, Health Commission of SA

Aboriginal and Torres Strait Islander Commission

PAIN, Mr B	Manager, Corporate Services
RIGNEY, Mr M	Chairperson, Kaurua Regional Council
ROBERTS, Mr E	Manager, Training and Communications

Department of Employment, Education and Training

THOMAS, Mr R

Program Manager, Aboriginal Education

23 SEPTEMBER 1993 - HOBART, TAS

Tasmanian State Government

ANDERSEN, Ms C	State Coordinator, Aboriginal Programs, Department of Employment, Industrial Relations and Training
BROOKS, Ms D	Research Officer, Department of the Premier and Cabinet
HEATLEY, Ms W	Coordinator, Human Resources Policy and Planning, Department of Employment, Industrial Relations and Training
PAULEY, Mr J	Assistant Director (Policy), Department of the Premier and Cabinet

Aboriginal and Torres Strait Islander Commission

RANDRIAMAHEFA, Ms K	State Manager
---------------------	---------------

Department of Employment, Education and Training

ALLAN, Mr P	Acting State Director
GAVIN, Mr R	Regional Manager, Southern CES Region
GIBBINS, Mr R	Manager, Hobart Job Centre
McDIARMID, Ms P	Director, Student Services and Aboriginal Programs

24 SEPTEMBER 1993 - MELBOURNE, VIC

Aboriginal and Torres Strait Islander Commission

BAMBLETT, Mr A Zone Commissioner

JACKOMOS, Mr A State Manager

Department of Employment, Education and Training

BROWN, Mr D Administrative Officer, Aboriginal
Programs Section

CARROLL, Mr W Manager, Aboriginal Programs

GIBSON, Mr M Director, Country Regions

HAYES, Mr R Assistant Director, Student and
Aboriginal Programs

KELLY, Mr D Deputy State Director

MILWARD Ms D Manager, Aboriginal Programs Section

Department of Health, Housing, Local Government and Community Services

ATKINSON, Ms L Coordinator, Aboriginal Services

BOWMAN, Ms M Deputy State Manager

CHAN, Mr L Manager,
Housing, Health and Planning Branch

FINETTE, Mr R Executive Officer, Program Administration
(East)

FOLEY, Mr C Acting Assistant Manager, Policy Program
Development Section

McINNES, Mr G Manager, Aged and Community Care

PETCHELL, Ms D Assistant Manager, Housing Assistance and
Urban Development

4 NOVEMBER 1993 - PERTH

State Government of Western Australia

ISAACS, Mr R	Senior Policy Adviser to the Minister for Aboriginal Affairs
WYATT, Mr B	Acting Assistant Commissioner, Aboriginal Affairs Planning Authority

Aboriginal and Torres Strait Islander Commission

BACHMAN, Mr R	Manager, Coordination Branch
GRANVILLE, Mr A	Manager, Field Operation
HANSEN, Mrs L	Principal Policy Officer, Women's Issues, Sport and Recreation, Youth Issues
MACKIN, Mr P	State Manager
WILLIAMS, Mr R	Senior Project Officer

Department of Employment, Education and Training

BATCHELOR, Mr D	State Director
BRAHIM, Mr K	Executive Officer, Public Sector Strategies
ROGERSON, Mr G	Assistant Director

Department of Health, Housing, Local Government and Community Services

GEVERS, Mrs P	Manager, Kalgoorlie Local Office
LEWIS, Ms C	Area Manager, Country North
MORRIS, Mr R	State Manager
NANGALA, Mr S	Port Hedland Local Office
THORNTON, Ms J	Executive Officer, Health Programs Section
TUNNEY, Mr J	Project Officer, Kimberley Local Office

List of Exhibits

Piabin Aboriginal Corporation

- 1 *Flag of Unity*
- Cec Fisher
- 2 *Unity Now*
- Cec Fisher

Department of Health, Housing, Local Government & Community Services

- 3 *A Guide to Aboriginal and Torres Strait Islander Communities*
- 4 *A Guide to the Department of Health, Housing, Local Government & Community Services*

Department of Employment, Education & Training

- 5 *The Aboriginal & Torres Strait Islander Recruitment & Career Development Plan*

Durambal Youth Services

- 6 Program profile

Toonooba Aboriginal Community Centre

- 7 *A Woman's Place - A study of homeless young Aboriginal women in the Rockhampton area*
- Karen Olive

Rockhampton Aboriginal & Islander Child Care Association

- 8 *A Needs Assessment of the Aboriginal Communities' Perceptions of Alcohol & Drug Related Problems in Central Queensland*
- Lyn Gartlan

Darumbal Youth Service

- 9 *Chuckling a Sad: An exploration of attitudes of young women towards sexuality in the central Queensland region*
- Sue Prosser
- 10 Evaluation of the young women's crisis house
- 11 2nd World Indigenous Youth Conference Report - July 92
- 12 Program profile & activities

Torres Health Council

- 13 *Our Health, Our Future, Our Decision*
Torres Strait Health Workshop - April 93

Rainforest Aboriginal Network

- 14 *Joint Management : Sharing the wet tropics*
- Marcus Lane
- 15 *Wet Tropics World Heritage Area Management Scheme*
Department of Enviroment & Heritage
- 16 Petition Form

Central Australian Aboriginal Alcohol Planning Unit

- 17 *The Way Forward - An Aboriginal Alcohol Treatment & Training Centre*
- 18 *The Way Forward - Final Report & Grog Action Plan*

Danila Dilba Medical Service

- 19 *It's not enough to know about diseases : Report of the review of Aboriginal & Torres Strait Islander health care in the Darwin area*
- Josie Crawshaw & David Thomas

Tharawal Aboriginal Corporation

- 20 Strategic Plan for Aboriginal Health in South Western Sydney
- 21 Submission Proposal for residential care program for Aboriginal elders in the Campbelltown, Wollindilly, Liverpool & Camden Local Government areas

Tharawal Land Council

- 22 Assorted papers

Campbelltown & Districts Aboriginal Corporation

- 23 *Aboriginal Employment Strategy for Local Government*
- NSW State Government
- 24 *New South Wales National Aboriginal & Torres Strait Islander Education Policy : Strategic Plan 1993-5*
- NSW NATSIEP Coordinating Committee
- 25 *NSW AEDP Strategic Plan 1993-94*
- 26 *Austudy & Abstudy Schools - NSW & ACT - Take-up Rate Report 1992*
- NSW State Office, DEET

Durri Medical Centre

- 27 Letter from Sister Liz Wilmot on hearing problems in children

Dalaigur Pre-School

- 28 Information Bulletin

Greenhill Aboriginal Cooperative

- 29 Copy of master plan of Greenhil Development

Booroongen Djugun Aboriginal Corporation

- 30 Copies of letters

31 Photograph of planned Booroongen Djugun Community

Bowraville Annexe - Macksville College of TAFE

32 *Stories from the Nambucca*
- Jirrgan Gayi

33 *Gayila (Let's Speak) Gumbaynggirr*
- Jirrgan Gayi

Aboriginal Education Foundation of SA Inc.

34 *Taking Control : A Joint Study of Aboriginal Social Health in Adelaide*

35 *Aboriginals Respond to the Royal Commission into
Aboriginal Deaths in Custody*

36 *Funding for Period 1 January - 30 June 1994*

37 *1991 Annual Report*

38 *1992 Annual Report*

South Australian State Government

39 *Aboriginal Education Operational Plan 1993-95*

40 *SA Health Statistics Chartbook : Supplement 4 : Aboriginal Health*
- SA Health Commission, February 1993

South Australian Aboriginal Education & Training Advisory Committee

41 Poster

Tasmanian State Government

42 *Aboriginal Employment & Career Development Strategy*

ATSIC State Office of Victoria

- 43 *Tumbukka Regional Plan*
- Tumbukka Regional Council, July 1993
- 44 *Yangenanook Regional Plan*
- Yangenanook Regional Council, July 1993

The Shire of Derby-West Kimberley

- 45 Newspaper article
- West Australian, August 1993
- 46 *Information Directory 1993*

Mr Terry Thommeny

- 47 *The Aboriginal tree applied to traditional Australian aged nursing complexes*
- A paper by Terry Thommeny

Australian Electoral Commission

- 48 *Fact Sheet No. 21 - ATSIEIS*

ATSIC Regional Office - Port Hedland

- 49 *Western Desert Regional Council*
- Draft Regional Plan 1993-97
- 50 *Ngarda-Ngarli-Yarbdu Regional Council*
- Draft Regional Plan 1993-97

Aboriginal Legal Service of WA Inc.

- 51 *Financial Accounts for the year ended 30 June 1992*
- 52 *Justice in Black Hands - Annual Reports 1990-91 & 1991-92*

Government of Western Australia

- 53 *National Commitment to Improved Outcomes in the Delivery of Programs and Services for Aboriginal & Torres Strait Islanders - December 92*
- 54 *Aboriginal Plan 1993*
- 55 Aboriginal Affairs Planning Authority
- Annual Report 1992
- 56 *Resources allocated to services for Aboriginal people by Western Australian Government agencies*

Department of Employment, Education & Training - WA State Office

- 57 Aboriginal & Torres Strait Islander Data - Western Australia

Mr Victor Isaacs

- 58 Letters to Wilja Hostel
- 59 *Wilja Hostel Inc. - Building Program : A report to the Aboriginal Housing Board - prepared by Victor Isaacs & Phillip Gibbs (Architect)*

Department of Health, Housing, Local Government & Community Services

- 60 Information Kit : *Departmental programs & services for Aboriginal & Torres Strait Islander Communities*

Victorian State Government

- 61 Letter of response to the Access and Equity Inquiry

List of Informal Discussions and Field Visits

QUEENSLAND

Brisbane

Aboriginal and Islander Community Health Service	10.8.93
Foundation for Aboriginal and Islander Research Action	10.8.93
Queensland Aboriginal and Torres Strait Islander Educational Consultative Group	10.8.93
Piabun Aboriginal Corporation	10.8.93

Rockhampton

Queensland Aboriginal and Torres Strait Islander Corporation for Legal Services	11.8.93
Toonooba Aboriginal Community Centre	11.8.93
Rockhampton Aboriginal and Torres Strait Islander Child Care Services	11.8.93
Dreamtime Aboriginal Cultural Centre	11.3.93
Darumbal Youth Service	11.8.93

Thursday Island

Mura Kosker Sorority	12.8.93
Educational Representatives	12.8.93
Torres Health Council	12.8.93
Youth Representatives	12.8.93

Cairns

Rainforest Aboriginal Network	13.8.93
Mookai Rosie Bayan	
Wu Chopperen Medical Service Ltd	13.8.93
Aboriginal and Torres Strait Islander Youth Welfare Co.	13.8.93
ATSIC Regional Councillors	13.8.93
Nijjiku Jowan Legal Service	13.8.93

NORTHERN TERRITORY

Darwin

Danila Dilba Medical Service	25.8.93
Feppi	25.8.93
Northern Australian Aboriginal Legal Aid Service	25.8.93
Alice Springs	
Tangentyere Council	26.8.93
Central Australian Aboriginal Congress	26.8.93
Central Australian Aboriginal Alcohol Planning Unit	26.8.93

SOUTH AUSTRALIA

Amata

Amata Community	27.8.93
-----------------	---------

Adelaide

Aboriginal Education Foundation of South Australia Inc. (AEF)	22.9.93
South Australian Aboriginal Education and Training Advisory Committee (SAAETAC)	22.9.93
Kaurna Regional Council	22.9.93

NEW SOUTH WALES

Campbelltown

Amaru (After School Care)	8.9.93
Tharawal Aboriginal Corporation and Medical Service	8.9.93
Tharawal Local Aboriginal Land Council	8.9.93
Campbelltown and Districts Aboriginal Corporation	8.9.93

Kempsey

New Burnt Bridge	9.9.93
Old Burnt Bridge	9.9.93
Durri Medical Service	9.9.93
Dalaigur Pre-school and Greenhill Aboriginal Corporation	9.9.93
Booroongen Djugun	9.9.93

Bowraville

Open meeting	10.9.93
--------------	---------

Coffs Harbour

Coffs Harbour Aboriginal Family Community Care Centre	10.9.93
Coffs Harbour and District Local Aboriginal Land Council	10.9.93

TASMANIA

Hobart

Indigenous Tasmanian Aboriginal Corporation (ITAC)	23.9.93
----------------------------------------------------	---------

VICTORIA

Melbourne

Victorian Aboriginal Education Association Inc (VAEAI)	24.9.93
Secretariat of National Aboriginal Islander Child Care (SNAICC)	24.9.93
Aboriginal Legal Service	24.9.93
Aboriginal Community Services Association Inc	24.9.93

WESTERN AUSTRALIA

Derby

Public meeting	1.11.93
Wanang Ngari Aboriginal Corporation	1.11.93
Nunga Women's Aboriginal Corporation	1.11.93
Kimberley Land Council	1.11.93
Jayida Buru Regional Council	1.11.93
Numbala Nunga Derby Nursing Home/Hospital	1.11.93

Port Hedland

Australian Electoral Office	2.11.93
Department of Employment, Education and Training	2.11.93
Port Hedland ATSIC Regional Secretariat Office	2.11.93
Port Hedland Regional Aboriginal Corporation	2.11.93
Tjalka Boorda Aboriginal Community	2.11.93
Women's Task Force	2.11.93
Tjalka Warra Community	2.11.93
Western Desert elders	2.11.93
Pilbara Aboriginal and Islander Women's Task Force	2.11.93
Public meeting	2.11.93

Kalgoorlie

Kurrawang Christian Aboriginal Corporation	3.11.93
Ninga Mia Village Aboriginal Corporation	3.11.93
Kalgoorlie Medical Service	3.11.93
Public meeting	3.11.93

Perth

Lockridge Camp, Fringe Dwellers of the Swan Valley Inc.	4.11.93
Aboriginal Legal Service of Western Australia Inc.	4.11.93
Perth Aboriginal Medical Service	4.11.93
Wiltja Hostel Corporation	4.11.93
National Committee to Defend Black Rights	4.11.93

Access & Equity requirements as revised in 1989¹

As part of the *National Agenda for a Multicultural Australia* announced by the Prime Minister in July 1989, the Government decided to extend its Access and Equity Strategy.

The Commonwealth is strengthening its A&E Strategy by widening its scope from immigrants to all residents of Australia who may face barriers of race, culture or language, including Aboriginal people and children of parents with non-English speaking backgrounds, with a continuing emphasis on the double disadvantage which may be faced by women.

In order to show clearly the extension to the 1986 decision, the new requirements have been highlighted where practicable. The Government's decision requires that specific provisions should be made to:

- a review regularly, monitor and evaluate all services, programs and policies to ensure that they take account of the diverse linguistic, cultural and racial characteristics of Australian society. There should also be special emphasis on the needs of non-English speaking background women and the ethnic disabled;
- b implement the Ethnicity Data Guidelines, and develop cultural and racial indicators to facilitate the planning and monitoring of programs and services and the development of policy;
- c deliver services and implement programs in languages other than English, when that is necessary to provide effective service;
- d sensitise policy development and service delivery staff to cultural, linguistic and racial factors;
- e provide opportunities for participation by members of the various cultural, linguistic and racial groups, in policy formation and in improving program and service delivery;

¹ Department of the Prime Minister and Cabinet, Office of Multicultural Affairs, *Access and Equity Evaluation Report 1992*

- f develop appropriate information programs and consultative mechanisms;
- g provide for legislative and administrative change (where it is necessary to implement the A&E Strategy);
- h publish at least a second round of three-year access and equity plans, so that each portfolio will have published a three-year plan that meets these Guidelines, before the 1991 evaluation of A&E is undertaken;
- i include an Access and Equity section in annual reports (with appropriate ethnicity performance information), in accordance with the Guidelines, and consistent with Social Justice reporting requirements;
- j review existing arrangements for Commonwealth funding of services provided by State/local governments and non-government organisations and advise OMA of those cases where A&E should not apply; and
- k consider program implementation of the A&E Strategy in both internal and external audits of programs.

**Relevant Recommendations from the Royal Commission
into Aboriginal Deaths in Custody Report, 1991**

Recommendation 188

That Governments negotiate with appropriate Aboriginal organisations and communities to determine guidelines as to the procedures and processes which should be followed to ensure that the self-determination principle is applied in the design and implementation of any policy or program or the substantial modification of any policy or program which will particularly affect Aboriginal people.

Recommendation 192

That in the implementation of any policy or program which will particularly affect Aboriginal people the delivery of the program should, as a matter of preference, be made by such Aboriginal organisations as are appropriate to deliver services pursuant to the policy or program on a contractual basis. Where no appropriate Aboriginal organisation is available to provide such service then any agency of Government delivering the service should, in consultation with appropriate Aboriginal organisations and communities, ensure that the processes to be adopted by the agency in delivery of services are appropriate to the needs of the Aboriginal people and communities receiving such services. Particular emphasis should be given to the employment of Aboriginal people by the agency in the delivery of such services and in the design and management of the process adopted by the agency.

Recommendation 198

That governments commit themselves to achieving the objective that Aboriginal people are not discriminated against in the delivery of essential services and, in particular, are not disadvantaged by the fact that the low levels of income received by Aboriginal people reduce their ability to contribute to the provision of such services to the same extent as would be possible by non-Aboriginal Australians living in similar circumstances and locations.

Recommendation 199

That governments recognise that a variety of organisational structures have developed or been adapted by Aboriginal people to deliver services, including local government type services to Aboriginal communities. These structures include community councils recognised as local government authorities, outstation resource centres, Aboriginal land councils and co-operatives and other bodies incorporated under Commonwealth, State and Territory legislation as councils or associations. Organisational structures which have received acceptance within an Aboriginal community are particularly important, not only because they deliver services in a manner which makes them accountable to the Aboriginal communities concerned but also because acceptance of the role of such organisations recognises the principle of Aboriginal self-determination. The Commission recommends that government should recognise such diversity in organisational structures and that funding for the delivery of services should not be dependent upon the structure of organisation which is adopted by Aboriginal communities for the delivery of such services.

Recommendation 200

That the Commonwealth Government negotiate with State and Territory Governments to ensure that where funds for local government purposes are supplied to local government authorities on a basis which has regard to the population of Aboriginal people within the boundaries of a local government authority equitable distribution of those funds is made between Aboriginal and non-Aboriginal residents in those local government areas. The Commission further recommends that where it is demonstrated that equitable distribution has not been provided that local government funds should be withheld until it can be assured that equitable distribution will occur.

Recommendation 210

That:

- a All employees of government departments and agencies who will live or work in areas with significant Aboriginal population and whose work involves the delivery of services to Aboriginal people be trained to understand and appreciate the traditions and culture of contemporary Aboriginal society;
- b such training programs should be developed in negotiation with local Aboriginal communities and organisations; and
- c such training should, wherever possible, be provided by Aboriginal adult education providers with appropriate input from local communities.

Extract from a report of the Commonwealth/State Council on Non-English Speaking Background Women's Issues, *Blue collar and beyond*

NESB Women in the Labour Force

The term 'NESB women'

The term 'NESB women' is used in this report, as in many others, as a short-hand to refer to overseas born women from non-English speaking countries.

Origin or birthplace, language and period of residence have been the three main indicators used in the examination of disadvantage faced by immigrants. The standard Australian Bureau of Statistics (ABS) definition is that NESB refers to all immigrants who were born in countries other than the UK, Ireland, Canada, the USA, New Zealand or South Africa¹.

The definition is inexact both in terms of those it wrongly includes and those it excludes. In some cases these inaccuracies can distort the results. Moreover, individuals wrongly excluded or included from birthplace-based definitions may have understandable objections to their use.

For example, one group wrongly *included* is people whose families have migrated to an English speaking country, prior to coming to Australia, such as:

- . South Asian-background women arriving from the UK;
- . Pacific Islander-background women arriving from New Zealand; and
- . Italian-background women arriving from the USA.

Clearly, these are non-English speaking background immigrants but would not appear as 'NESB' according to a birthplace or origin-based definition.

A group wrongly excluded is that of minority, or Aboriginal or other indigenous communities. Examples where immigrants from countries classified as English speaking are non-Anglophone include:

- . Francophone Canadians;

¹ NESB is commonly used to refer to *second generation* people of a non-English speaking background. In this report, the 'B' is 'birthplace rather than 'background'.

- . Afrikaans-speaking South Africans;
- . New Zealand Maoris.

In terms of labour force experience these groups appear to be quite different, yet all would be classed as 'ESB' according to the standard definitions.

In addition there is the category of people born in NES countries whose parents are of English speaking background. An example would be the children of Australian service personnel serving in Papua New Guinea.

A further problem is that the range of people who qualify for the definition 'NESB' is so wide that, lumped together, they may create aggregate results that mask important differences within the group. In this paper, *disaggregated* data will be used in many places to highlight this point and reference will be made to issues where the use of the crude categorisation between NESB, ESB and Australian born women masks, rather than highlights diversity.

Extract from *Access and Equity guide for APS managers*

APPENDIX F

Translating and Interpreting Services (TIS)

If you need to use an interpreter to communicate with a client, or to provide written information in a language other than English, TIS can help you.

- . Government agencies have a responsibility under Access and Equity principles to ensure that all clients have equal access to government services.
- . Whether you require interpreting assistance or you need information translated into different languages to convey new policy/procedures to your non-English speaking clients, TIS has a translating and interpreting service which can meet your needs.
- . TIS has provided interpreters for public promotion/awareness campaigns, the national Census, and employment initiatives undertaken by the Commonwealth Government. TIS has also participated in surveys to assess the most effective media - electronic or print - for getting the message across to non-English speaking clients.
- . The service is available 24 hours a day, 7 days a week and can be reached at one of the telephone numbers listed below. TIS offers telephone interpreting and, when telephone interpreting is inappropriate TIS can arrange for an interpreter to go to whatever location you specify to provide on-site interpreting (subject to interpreter availability).
- . You can use the TIS Translating Service (during normal business hours) to have correspondence, newspaper articles, educational qualifications, birth/marriage certificates etc. translated into English or to another language. It can be used for technical, scientific, medical, legal and literary publications. If you want to advertise a new service to the non-English speaking community or translate a pamphlet into twenty different languages, TIS can help.
- . TIS has been providing language services for nearly twenty years. Today it has access to more than 2000 interpreters and translators covering more than 100 languages.

TIS originated as a service for migrants but has expanded its client base to include a broad range of clients in the public and private sector. Requests for TIS services from government agencies are subject to changes which vary according to the nature of the service provided. The TIS office in your state will be able to provide you with current service charges.

Aboriginal and Torres Strait Islander Services in the Department of Social Security

Support Network for Aboriginal and Torres Strait Islander Parents (SNAP)

In the 1989-90 Budget, SNAP was established and is aimed at addressing child poverty in Aboriginal and Torres Strait Islander communities through improving their children's health and well being. The program arose out of concerns that Aboriginal and Torres Strait Islander parents may not be receiving the full range of assistance to which they are entitled in respect of their children.

There are 25 SNAP officers currently working in specified Regional Offices and Area Offices throughout Australia, targeting Aboriginal and Torres Strait Islander communities. The specific tasks of the SNAP officers are to:

- . ensure that Aboriginal and Torres Strait Islander parents/primary carers are receiving their correct DSS entitlements;
- . assist parents to gain access to other Government agencies' family/child-related programs and services; and
- . assist parents to identify and use relevant existing community resources in ways which will effectively meet the health, nutrition and other needs of their children.

As an outreach program, SNAP officers visit Aboriginal and Torres Strait Islander communities to develop parents' knowledge of Social Security entitlements and coordinate other government programs aimed at assisting families.

Aboriginal and Torres Strait Islander Liaison Officer (AILO) Scheme

The Aboriginal and Torres Strait Islander Liaison Officer (AILO) Scheme was established in 1975 to provide a link between the delivery of income security payments and Aboriginal and Torres Strait Islander people.

There are 133 AILO positions currently in Regional Offices in all States and Territories. The role of the AILO is to promote access by Aboriginal and Torres Strait Islander individuals and community groups to the range of services available through the Department and to obtain feedback on services. Their duties involve extensive field work, including helping Aboriginal and Torres Strait Islander people claim and maintain their correct entitlements, promoting knowledge of Department

of Social Security programs and, within Regional Offices, provide assistance to other staff in more complex dealings with Aboriginal and Torres Strait Islander people.

Aboriginal and Torres Strait Islander Interpreter Service

In 1989, DSS made a commitment to provide language services to Aboriginal and Torres Strait Islander clients who have problems understanding English or speak it as a second or third language.

The Aboriginal and Torres Strait Islander Interpreter Service provides the ability for DSS to give information to and obtain information from Aboriginal and Torres Strait people in their own language.

The provision of interpreters aids communication and thereby ensures that clients maintain their full entitlements and fulfil their obligations to DSS.

Some interpreters are used by DSS on a casual basis, for example, when DSS staff visit remote communities. Other interpreters are employed by DSS Regional Offices on a part-time contract basis to work a specified number of hours per week.

There are 11 Regional Offices that provide an Aboriginal and Torres Strait Islander Interpreter Service.

Remote Visiting Teams

The objective of the Remote Visiting Teams (RVT's) is to visit people in remote and isolated Aboriginal and Torres Strait Islander communities to improve their access to DSS information and to ensure that all people with an entitlement are receiving their correct benefit type and rate.

An RVT consists of two people, an AILO and another DSS staff person who is a specialist on pensions, benefits and allowances. The RVT usually spends a number of days in each community to handle all DSS matters for that community.

The success of this scheme has resulted in the number of RVT's being doubled to 12 teams in 1991.

Community Agent Program

Due to the geographical location of the DSS Regional Office network, many Aboriginal and Torres Strait Islander people who live in remote communities experience significant difficulties in claiming their correct entitlements.

In 1987-88, in response to these problems, the Department embarked on a pilot program where 11 Aboriginal and Torres Strait Islander organisations were funded to employ a person or people to look after Social Security interests in the local

community.

The Department has a contract with the community organisation which provides for an agent to be employed by the organisation for an agreed number of hours a week to handle a variety of routine tasks for clients.

The nominated person(s) assist(s) with the provision of basic information, forms completion and lodgement, speedy reporting of problems, or take up issues and the minimisation of incorrect or delayed payments.

There are currently 124 Community Agent positions in Aboriginal and Torres Strait Islander communities throughout Australia.

Recommendations of the *Access and Equity Evaluation Report 1992*

REVISED ACCESS AND EQUITY REQUIREMENTS

- 1 That revised A&E Requirements be adopted to reflect the findings of this Evaluation and the focus of future Access and Equity implementation be as follows:
 - a **Planning:** incorporate A&E objectives into corporate planning and all relevant program and service delivery planning;
 - b **Evaluation and Audit:** incorporate A&E performance into all relevant internal and external Evaluations and audits;
 - c **Performance Indicators:** collect and utilise data relevant to A&E planning, implementation and Evaluation, including ethnicity and costs data;
 - d **Public Accountability:** provide information on A&E performance in annual reports, program performance statements and to OMA for an annual A&E report to the Prime Minister for tabling in Parliament;
 - e **Language Service:** implement measures to overcome communication barriers for clients and potential clients who do not speak, understand, read or write English well;
 - f **Staff Training:** ensure staff at all levels are sensitive to client diversity and its implications for policy formulation and program design and delivery;
 - g **Consultation:** consult with client target groups, their advocates and intermediaries on program design, delivery and the effectiveness of A&E measures;
 - h **Participation:** ensure equitable participation of representatives of A&E target groups in government advisory and review bodies and processes;
 - i **Funded Programs:** address A&E accountabilities in programs funded by the Commonwealth and delivered by State or local government and community or private organisations; and

- j **Co-ordination:** ensure efficiencies are achieved through inter-departmental cooperation and co-ordination on A&E matters such as shared consultative and information strategies.

Language Barrier

- 2 All Commonwealth departments and agencies recognise that language remains the key A&E barrier to accessing Commonwealth programs and services for a significant proportion of the public and, to overcome this barrier, note the particular importance of access to professional interpreters and take other appropriate measures.

Staff Practices

- 3 Departments and agencies note the recommendations of the parallel review of the Linguistic Availability/Performance Allowance (LAPA) and their potential to maximise the linguistic skills of staff cost effectively in an A&E context.
- 4 Departments and agencies optimise the use of bilingual and bicultural staff by mechanisms such as:
 - a conducting surveys/audits of language other than English of all staff and establishing departmental registries of available language resources;
 - b maximising participation in the LAPA scheme;
 - c facilitating amongst staff the retention and upgrading of language skills through study assistance and accreditation;
 - d designating public contact positions requiring specific bilingual and/or bicultural skills where there is a very high component of A&E target clients;
 - e adopting strategies to persuade managers that the use of bilingual staff assist in removing barriers to information flows and therefore, improves the quality of decision-making without detriment, in most cases, to the efficiency of the decision-making process.
- 5 Where appropriate bicultural and bilingual staff are not available through normal recruitment channels and where the presence of such staff is necessary to overcome A&E barriers, departments and agencies make special provision to recruit officers with bilingual and bicultural skills.

- 6 The competencies being developed by the Joint Australian Public Service (APS) Training Council incorporate a range of specific elements relating to government policies and practices, including A&E. Prior to endorsement of these competencies by the National Training Board, OMA and the Aboriginal and Torres Strait Islander Commission will be included as part of the consultation process.

Translating and Interpreting Service

- 7 Departments and agencies recognise and use the Translating and Interpreting Service (TIS) (notwithstanding the cost-recovery principle) as the key agency responsible for delivery of professional translating and interpreting services across the APS.
- 8 TIS be enhanced by:
- a DILGEA undertaking a higher level of promotion of TIS services to departments, agencies and other clients, particularly in remote localities, including understanding of the operation of the cost recovery principle;
 - b departments and agencies budgeting for translating and interpreting services on the basis of current usage of TIS services and anticipated additional demand generated by planned A&E measures;
 - c DILGEA taking a more direct role in training APS staff in effective use of TIS; and
 - d consideration should be given to the addition of Aboriginal and Torres Strait Islander languages.
- 9 Departments and agencies develop, where necessary, their own specialised supplementary translating and interpreting services, including for Aboriginal and Torres Strait Islander languages.

Multilingual Information and Referral Service

- 10 Departments and agencies, and in particular smaller service agencies, recognise that certain sectors of the Australian community continue to lack knowledge and understanding of government processes, programs and services and, as appropriate, take a more active role in providing information in other languages about their programs through:
- a development and marketing of multilingual telephone information services;

- b greater use of multilingual radio, press and television in addition to multilingual literature (pamphlets etc.);
- c greater use of intermediaries and providing them with appropriate training opportunities and information about processes, programs and services;
- d funding the incorporation of specialist information modules into existing training such as labour market training courses and English as a Second Language (ESL) courses (including those ESL courses that focus on specific subject matter for well-defined target groups); and
- e consultation and participation processes.

Consultation and Participation

- 11 Departments and agencies recognise that consultation with client groups and participation by them in government processes are the most effective means of ensuring a consumer focus, effective marketing of programs and a positive public image. In consultation with Aboriginal and Torres Strait Islander peoples, departments also consider the implications of the *Aboriginal and Torres Strait Islander Act 1989* and bear in mind that Regional Councils are to act as the advocates of the interests of Aboriginals and Torres Strait Islanders in a region.

Consultation with Client Groups

- 12 Departments and agencies take further steps to ensure a proper level of consultation with its A&E targeted clients through:
 - a further development of their own consultation mechanism both at central and regional office levels;
 - b co-operative endeavours with other agencies which have appropriate consultative mechanism in place, for example peak bodies;
 - c consultations with A&E client groups on the effectiveness of A&E measures within individual programs and service delivery areas; and
 - d use of OMA's Bilingual Consultants Network for direct consultation with A&E clients.

Participation by Client Groups

- 13 Departments and agencies take steps to increase A&E groups' representation on bodies responsible for policy development, service design and delivery and review of decisions through:
- a actively seeking nominations from community peak bodies for appointments to a full range of advisory bodies, boards and review panels;
 - b advertising vacancies on such bodies in the ethnic community press;
 - c targeting a proportion of vacancies to members from A&E target groups;
 - d seeking appointment advice from the Aboriginal and Torres Strait Islander Commission, DILGEA, OMA and other relevant bodies; and
 - e using data management systems deigned to co-ordinate information relating to Commonwealth bodies and the people appointed to them; for example the 'Appoint' system developed by the Department of the Prime Minister and Cabinet (PM&C).

Access and Equity Training

- 14 Department and agencies recognise the key role of training at all levels for implementation of A&E and take appropriate steps to ensure that their officers are trained to:
- a understand the A&E Strategy (the concepts, objectives and practice);
 - b utilise A&E concepts and tools, such as ethnicity data collection and cross-cultural communication techniques, in policy development, program design and delivery; and
 - c be culturally sensitive in public contact work.
- 15 Departments and agencies have as a primary training goal the integration of A&E related training into mainstream training and the identification of areas which need to be targeted for specialist training. OMA, in collaboration with the Public Service Commission (PSC), the Aboriginal and Torres Strait Islander Commission and other selected departments and agencies, is to develop a cross-portfolio framework/strategy for training of all APS officers in this context. OMA will play an initial developmental, promotional and advisory role and thereafter will provide expertise on A&E issues at both the national and regional levels as required.

- 16 As an interim measure (and in response to the particular need identified in the Evaluation to make more impact at the client interface), over a six-month period, OMA, with the full co-operation and assistance of departments and agencies, will design and conduct an initial campaign of information seminars for APS managers responsible for operations at the regional and local levels.

Funded Programs

- 17 Departments and agencies address A&E accountabilities in programs and services which are funded for delivery through other organisations such as State, Territory and local government authorities and community or private sector organisations, through instruments such as program contractual arrangements, memorandums of understanding or formal guidelines.
- 18 Departments and agencies be responsible for monitoring the implementation of A&E in such programs and services.

Planning, Evaluation and Monitoring

- 19 Departments and agencies direct greater attention to implementation of the Strategy at the regional and, in particular, at the client interface levels.

Planning

- 20 The preparation of triennial A&E Plans be left to the discretion of departments and agencies.
- 21 Departments and agencies be required to address their key A&E objectives in their corporate plans.

Evaluation and Review

- 22 Departments and agencies be required to review implementation of A&E measures in their annual reports and program performance statements.
- 23 Departments and agencies direct greater attention to Evaluation and review of outcomes through:
- a development of A&E indicators including indicators relating to Aboriginal and Torres Strait Islander peoples and other performance measures for individual programs; and
 - b incorporation of A&E standards into any relevant Evaluation and review activities.

- 24 Department of Finance continue to encourage departments and agencies to include A&E components into appropriate Evaluations and provide relevant advice and training on conduct of such Evaluations including the development of performance information.
- 25 A second cross-portfolio Evaluation of the A&E Strategy be commenced in early 1997 to report to Government in 1998.

Ethnicity Data Collections

- 26 The National Guidelines for the Collection of Ethnicity Data be revised (in consultation with State and Territory governments, the Australian Bureau of Statistics and the Privacy Commissioner) to provide for selective collection of ethnicity and Aboriginal and Torres Strait Islander data and performance information for planning, reporting, Evaluation and review purposes.
- 27 In order to improve the monitoring of program utilisation (outputs) in A&E target groups at program and service delivery area levels and track staff trends, departments and agencies establish for program and area managers direct access to ethnicity and other relevant data through:
 - a utilisation of Australian Bureau of Statistics (ABS) Census data to develop demographic profiles for areas serviced by regional/local offices;
 - b compilation of a register of relevant departmental data collection system; and
 - c providing easy access to data collection systems for policy developers, program designers and program and area managers.
- 28 OMA, in co-operation with ABS and the Bureau of Immigration Research (BIR), extend advice to key services delivery agencies on the development of systems to assist regional managers with ethnicity data collection and utilisation, including for Aboriginal and Torres Strait Islander peoples.
- 29 OMA and BIR, as part of the activity associated with their joint support of the Multicultural and Immigration Information System database, create a register of relevant Commonwealth departments and other data collection systems which will contribute to an ethnicity statistics collection system which is as accessible and comprehensive as possible.

Monitoring and Audit

- 30 OMA prepare an annual consolidated A&E review report to the Prime Minister for tabling in Parliament before the end of each calendar year.

- 31 Departments and agencies collaborate closely with OMA in the development of the above report which is to be based on:
- a departmental and agency corporate plans, annual reports and program performance statements;
 - b departmental and agency A&E performance statements against the relevant recommendations in this Evaluation provided annually to OMA by the end of each financial year; and
 - c a number of studies focussing on A&E issues in selected programs.
- 32 As a matter of standard practice, the Australian National Audit Office take note of A&E objectives in planning its audits.

Meeting Access and Equity Costs

- 33 Departments and agencies recognise that while the administrative costs of implementing the A&E Strategy are minor, some aspects of the delivery of programs and services accessibly and equitably to all those entitled to them are significant. Departments and agencies also recognise that these costs be accommodated in mainstream budget planning where it is more efficient and effective to adjust the mainstream than to provide ethno-specific services.
- 34 When planning for program and service delivery, departments and agencies, and in particular smaller agencies, allow for costs associated with their A&E obligations, including:
- a implementing A&E measures such as language services, information strategies and training; and
 - b meeting additional demand for programs and services generated by increased access and equity.
- 35 OMA include in the *A&E Guide for APS Managers* the costing guidelines that emerged from the experience of this evaluation.
- 36 Departments and agencies monitor and record expenditures associated with achieving A&E objectives for planning, Evaluation and review purposes and report it in annual reports and program performance statements subject to advice from the Department of Finance on methodologies.

Cross-Portfolio Management and Co-ordination

- 37 That to assist it in its overall co-ordinating, supporting and monitoring role in A&E, OMA has available to it the particular expertise, advice and support

of those departments and agencies with policy responsibility for specific target groups (for example, the Department of Health, Housing and Community Services (DHHCS) in relation to people with disabilities), and that these departments and agencies advise on appropriate standards for and the actual application of A&E principles in these areas.

- 38 An inter-departmental A&E Advisory Committee be established to address A&E strategic issues, in particular, the creation of effective lateral links between service providers including the scope for common provision of services. The Committee will also disseminate information, obtain feedback and co-ordinate implementation of the Strategy at the Central Office level.
- 39 This inter-departmental A&E Committee, serviced by OMA, be composed of representatives from PM&C, PSC, the Department of Employment, Education and Training (DEET), DILGEA, the Department of Social Security (DSS), DHHCS and the Aboriginal and Torres Strait Islander Commission, with representation from one other non-service delivery department on a rotating basis and observer status for other departments and agencies as required.
- 40 OMA Regional Coordinators' initiative of State/Territory and regional A&E Committees be established, or continue to function, in each State and Territory with representation at regional manager level from OMA, DEET, DILGEA, DSS, DHHCS, the Australian Taxation Office, the Aboriginal and Torres Strait Islander Commission and others as required.
- 41 OMA prepare and disseminate A&E information and guidelines, including advice on how particular A&E Requirements apply to different departments, and/or programs to departments and agencies. In particular, OMA prepare and publish an *A&E Guide for APS Managers* for distribution to departments and agencies and actively promote the revised A&E framework.

Other Initiatives

- 42 The PSC, in the context of its development of an Equal Employment Opportunity (EEO) strategic plan for the APS for the 1990's examine:
- a options for the employment and advancement in the APS of people of non-English speaking background and Aboriginal and Torres Strait Islander peoples; and
 - b how EEO policies and practices relate to A&E strategies.
- 43 The Commonwealth consider:
- a formal extension of the A&E Strategy to all statutory authorities and Government Business Enterprises;
 - b initiating, co-ordinating and establishing mechanisms for information sharing, including on best practice, between the Commonwealth, State, Territory and local governments on A&E policies and practices;
 - c establishing a community-based consultative committee to provide feedback on A&E implementation; and
 - d examining formally the role of law in social change and the logic of an umbrella regime linking A&E, Equal Rights and Racial Vilification Legislation.