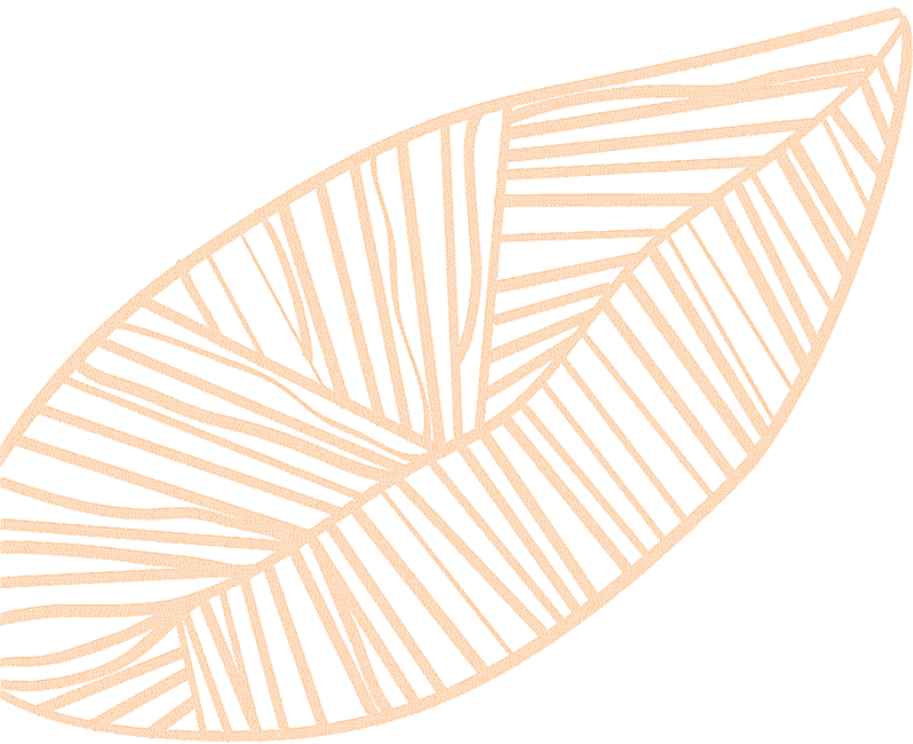


ACT Aboriginal and Torres Strait  
Islander Agreement Community  
Conversations March – August 2018

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# Aboriginal and Torres Strait Islander Agreement Community Conversations Report

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## Acknowledgement of Country

The ACT Government would like to acknowledge the traditional custodians of the Canberra region, the Ngunnawal people, and acknowledge that the region is also an important meeting place and significant to other Aboriginal groups. The ACT Government respects the continuing culture and contribution that Aboriginal and Torres Strait Islander peoples make to the life of this city and the surrounding region.



This report captures community feedback received by Government since 2009, with the most recent consultation undertaken from March – August 2018, for the purpose of developing the next ACT Aboriginal and Torres Strait Islander Agreement. This report contains commentary from conversations during this period which may not be wholly representative of the entire community. In developing the next Agreement, there is a focus on developing a framework which is strengths based and free of deficit language. To create an environment where real change is achievable community led solutions need to be at the forefront of decision making. The ACT Government acknowledges that to achieve this we must work collaboratively and in genuine partnership with Aboriginal and Torres Strait Islander peoples in the ACT.

## **1. Executive Summary**

The first Aboriginal and Torres Strait Islander Agreement was signed in the Legislative Assembly on 23 April 2015 by the ACT Chief Minister, Mr Andrew Barr, the then Minister for Aboriginal and Torres Strait Islander Affairs Ms Yvette Berry, the then Chair of the Aboriginal and Torres Strait Islander Elected Body, Mr Rod Little and Head of the ACT Public Service, Ms Kathy Leigh.

The purpose of the Agreement was to articulate how the ACT Government would work towards equitable outcomes for members of the local ACT Aboriginal and Torres Strait Islander community and through its partnership with the Aboriginal and Torres Strait Islander Elected Body. It aimed to create better linkages to improve the capacity of service delivery by ACT Government agencies.

The ACT Aboriginal and Torres Strait Islander Agreement 2015-2018 expires at the end of this year. The next Agreement will commence in 2019 and is proposed to span a period of ten years.

The intent of the new Agreement is to set out the ACT Government's commitment with the Aboriginal and Torres Strait Islander community; frame the way the ACT Government will work with the community; specify key areas of focus; and identify high level outcomes and initiatives that will make a difference in life outcomes for Aboriginal and Torres Strait Islander people in the ACT.

The new Agreement is being developed in partnership with the ACT Government and the Aboriginal and Torres Strait Islander Elected Body (the Elected Body).

An Annual Report (*2017 Annual Report for the 2015-18 Aboriginal and Torres Strait Islander Agreement*) on progress and results arising in working to achieve the Strong Families vision and implementing the 2015-2018 component of the Agreement was tabled in the Legislative Assembly in late 2017. This is available at [www.communityservices.act.gov.au/atsia/publications](http://www.communityservices.act.gov.au/atsia/publications)

### Method of engagement with the community

In March 2018 the ACT Government and the Elected Body commenced a series of conversations with the ACT Aboriginal and Torres Strait Islander community, for the purpose of developing the *ACT Aboriginal and Torres Strait Islander Agreement 2019-2028* (the Agreement).

The ACT Government and the Elected Body engaged with the community via a variety of forums and methods to extend the reach to the community as much as possible to obtain a range of views that would inform the development the Agreement.

The conversations with the community confirmed that the Strong Families theme, central to the current Agreement, should continue to be the main focus. The seven focus areas of the current Agreement were used as the starting point and were expanded to ten following the discussion at the Council of Australian Governments – Closing the Gap Special Gathering (the Special Gathering). The ten focus areas the ACT Government and the Elected Body went out to the community to consider were: 1) children and young people; 2) cultural identity; 3) eliminating racism and systemic discrimination; 4) leadership; 5) connecting the community; 6) education; 7) employment and economic development; 8) health and wellbeing; 9) housing; and 10) justice.

The Special Gathering was a meeting of prominent Aboriginal and Torres Strait Islander Australians held on 7 and 8 February 2018, facilitated by the Australian Government. This was a unique

opportunity to engage with Aboriginal leaders on matters of upmost importance to the Aboriginal and Torres Strait Islander community. The Special Gathering made a strong endorsement for all jurisdictions to continue to focus on the current set of Closing the Gap priorities, but to ensure that there was a shift away from the deficit language like 'closing the gap'.

The next Agreement is being developed in parallel with the Council of Australian Governments' (COAG) *Closing the Gap* Refresh.

Following on from the Special Gathering, the ACT Government held a series of one-on-one conversations with ACT community services providers, as well as leaders in the ACT Aboriginal and Torres Strait Islander community. The conversations were held with; the ACT Human Rights Commission; Winnunga Nimmityjah Aboriginal Health and Community Services (Winnunga Nimmityjah); Gugan Gulwan Youth Aboriginal Corporation; the ACT Aboriginal and Torres Strait Islander Nannies Group; members of the United Ngunnawal Elders Council; and the Aboriginal and Torres Strait Islander Elected Body. It was reaffirmed during these conversations that the ACT themes identified at the Special Gathering were relevant to the community.

In April 2018 the Office for Aboriginal and Torres Strait Islander Affairs (OATSIA) held two facilitated, open community forums for the purpose of seeking feedback from participants about what were the important issues for them as individuals and for their families. OATSIA also held two forums at the Alexander Maconochie Centre, with both a men's and a women's group. Conversations were also held with the cooking group and women's and men's groups at Winnunga Nimmityjah.

From 21 May to 27 July 2018, the ACT Government provided another avenue for receiving community feedback via an online survey on YourSay. Open ended questions were based around the focus areas and individuals and families experience living in the ACT community.

Based on the feedback received via the online survey, a series of word graphs were developed to illustrate this feedback. The size of the font of the words included represents the strength of feedback received on the particular issues. These word graphs are included in this report under the focus area which they most relate to.

The Elected Body was engaged in several of these conversations, both in their capacity as Elected Body members and as members of the community. Elected Body members attended the conversations held at the AMC, and the broader community conversations held at the Aboriginal and Torres Strait Islander Cultural Centre in April 2018.

#### Why Government went back out to the community for further consultation

The ACT Aboriginal and Torres Strait Islander community has engaged in several consultation processes with ACT Government in recent years, so it should be noted that the Government commenced the process of community conversations with a body of knowledge about what some of the key issues were likely to be. The purpose of going back out to the community to undertake further consultation was to ensure that what government had previously heard was still relevant. It was also an opportunity for Government to engage with the community to promote initiatives and programs.

A literature review on several reports was undertaken and this report includes the key messages that were collated from this review. The key messages were in line with feedback received during the series of conversations and together illustrate key issues over a number of areas.

As part of the engagement process, the ACT Government and the Elected Body went out to the community with some of the issues which were identified from a number of reports, dating back to 2009. The purpose of this was to communicate to the community that Government was listening and not ignoring the messages the community was feeding into consultation processes in recent years. In the conversations undertaken with the Aboriginal and Torres Strait Islander community, the ACT Government made a commitment to participants that Government would come back to the community, once all the conversations were finalised, and seek validation that the community's voice had been heard. This report provides a summary of the key messages from the community during the various processes of engagement.

#### Key messages from conversations with the community

During the conversations held with the ACT Aboriginal and Torres Strait Islander communities the key messages were consistent and clear. It also became clear to Government that it wasn't necessarily that programs/initiatives didn't exist, but that, in some cases or at least, improved promotion of existing programs was required.

#### Family

In broad terms, there was little variation in the feedback government received from the community during the conversations. Whether it was in discussions with the Aboriginal and Torres Strait Islander Nannies Group, younger people or men and women in the AMC, the message was clear: family is at the central heart of life in the community. The need to be connected to one's children and not live in fear of having them removed, for not necessarily doing things the way that a punitive system said they should, but ensuring that they were in a loved and safe environment. Justice and Housing were also raised in every forum.

#### Justice and Housing

There was also often overlap in the two issues - Justice and Housing. Both victims and perpetrators involved in the justice system were often at risk of experiencing homelessness and people who were incarcerated stated there were limited options for accommodation when exiting detention, which often led them back to re-offending/re-entering detention.

#### Family Violence

Responses aimed at addressing family violence were also viewed as inadequate for the Aboriginal and Torres Strait Islander community. During the conversations there was feedback about a lack of culturally appropriate support services for victims and perpetrators of family violence. The forums and the recommendations in the literature review all had the same message – culturally appropriate

response in services, including police, child protection and the justice system. (5)<sup>1</sup> In all of the discussions and the literature individuals and families said that the service system responding to family violence in the Aboriginal and Torres Strait Islander community must work to equally support the perpetrator, as well as the victim– “work with our men”.

### Health and Education

Access to appropriate health services and education were also an important priority for all participants in the conversations. Feeling connected in the community and feeling safe to participate in a community that respects Aboriginal and Torres Strait Islander culture were crucial for participants.

Participation in economic life as well as opportunities for leadership, in both the workplace and community, were identified as key areas that had the potential to achieve positive life outcomes if addressed.

The right to self-determination was also at the heart of many of the conversations. There was a clear view that the acknowledgement of such a principle would support the community’s ability to participate in economic and social life.

### Next Steps

From the community feedback received during the community conversations and the literature review the ACT Aboriginal and Torres Strait Islander Agreement 2019-2028 focus areas will be identified and a whole of government Action Plan developed. This Action Plan will include each ACT Government Directorate to provide programs/initiatives/policy responses against the focus areas outlined in the Agreement. These focus areas will be based around the focus areas identified at the Special Gathering, which the Government and Elected Body went out to the community with during the conversations.

The COAG Closing the Gap refresh and the renewal of the ACT Aboriginal and Torres Strait Islander Agreement occurring in parallel has provided an unprecedented opportunity to listen to a range of Aboriginal and Torres Strait Islander people in the community.

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<sup>1</sup> *Aboriginal and Torres Strait Islander Community Forum: Domestic and Family Violence – ‘Change our future. Share what you know’ 2017*

# Aboriginal and Torres Strait Islander Agreement Community Conversations

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## **2. Consultation Overview**

### **2.1 Introduction**

The purpose of the first Agreement was to implement a framework which would: provide for equitable outcomes for members of the Aboriginal and Torres Strait Islander community in the ACT; and support Aboriginal and Torres Strait Islander peoples, the community and their organisations to develop the opportunities, knowledge and skills to build an empowered, resilient and sustainable future.

In early 2018 the ACT Government and the Elected Body commenced a series of conversations with the ACT Aboriginal and Torres Strait Islander community and key service providers aimed at capturing ideas and perspectives to help inform the development of a new ACT Aboriginal and Torres Strait Islander Agreement, 2019-2024.

The new Agreement will replace the existing 2015-2018 Agreement which had been jointly agreed and signed by the ACT Government and the ACT Aboriginal and Torres Strait Islander Elected Body (ATSIEB). It is anticipated that the new Agreement will be in place in early 2019.

The existing 2015-2018 Agreement was framed around a vision of Strong Families which integrated and linked to seven key focus areas in cultural identity, healthy mind/healthy body, feeling safe, connecting the community, leadership, education, and employment and economic independence.

The 2015-2018 Agreement was described as a shared vision and commitment to support Aboriginal and Torres Strait Islander peoples, the community and their organisations to develop the opportunities, knowledge and skills to build an empowered, resilient and sustainable future. An Annual Report on progress and results arising in working to achieve the Strong Families vision and implementing the 2015-2018 Agreement was tabled in late 2017.

The conversations captured the ACT Aboriginal and Torres Strait Islander community thinking and experiences on the implementation of the current 2015-2018 Agreement and what they felt worked, what didn't and what could or should have happened and therefore to improve upon.

It is proposed that the new Agreement will span a period of ten years and will include ten priority areas, which will aim to improve the lives of Aboriginal and Torres Strait Islander people in the ACT.

Section 4 of this report reflects the 10 designated national priority areas as framed by the Special Gathering group of Aboriginal and Torres Strait Islander leaders that convened in Canberra in February 2018 and then subsequently presented and agreed immediately after at a full COAG meeting.

The ACT Government conducted community consultations in parallel to the Commonwealth Closing the Gap consultations so they could complement and inform each other.

### **2.2 Purpose of conversations**

The purpose of the community conversations were to seek community feedback on what worked in the previous Agreement, test the ten priority areas from COAG, and what issues should be considered as part of the new Agreement.



The ACT Government and the Elected Body wanted to ensure that the new Agreement would meet the needs of the community and would become a framework for improvement in delivery of services, as well as support a whole of government approach to meeting the needs of the community.

During the conversations participants were invited to reflect upon their experience of ACT Government programs and services and what they felt the ACT Aboriginal and Torres Aboriginal and Torres Strait Islander Agreement (2015-2018) had delivered. The community was encouraged to respond to questions focused around the 10 focus areas, about what they saw as important to self and families, and what they thought should be in the next Agreement.

Participants were asked to think about what had worked, what hadn't and what could be learnt and improved upon in the next Agreement. Participants were also invited to comment upon how consultation and community input into decision making could be improved, and how to better support community led solutions.

## 2.3 This Report

This report provides a summary of the community engagement process undertaken to obtain community feedback for the purpose of developing the new Agreement. It provides a comprehensive summary of the community feedback received during the various forums, including an online survey.

As part of the collation of community feedback, a small literature review was undertaken by government from five relevant reports and is included in this report. The review added to and/or reiterated what the community raised in the consultations.

It should be noted that under each theme the feedback compiled consists of both direct quotes from individuals during the community conversations and recommendations outlined in the reports reviewed.

This Report includes a list of the key themes which government presented to the community to form the basis of discussion around the development of the new Agreement. It outlines in which way, and to what extent, the ACT Government and the Aboriginal and Torres Strait Islander Elected Body engaged with the ACT Aboriginal and Torres Strait Islander communities.

The community was presented with the key themes which came out of the Special Gathering of Council of Australian Governments (COAG).

At a Special Gathering of prominent Aboriginal and Torres Strait Islander Australians on 7 and 8 February 2018, facilitated by the Australian government, a unique opportunity was provided to engage in meaningful and constructive dialogue with Aboriginal leaders. The COAG meeting followed on 9 February 2018.

Following on from the Special Gathering the ACT Government expanded on the themes to be included for the ACT community to consider in their community conversations. The themes which government went out to the community with were:

- Children and Young People;

- Cultural Identity;
- Eliminating Racism and Systemic Discrimination;
- Leadership;
- Connecting the Community;
- Education;
- Employment and Economic Development;
- Health and Wellbeing;
- Housing; and
- Justice.

Finally, included in the report are some direct quotes from community members who completed the online survey and a series of word graphs to provide the reader with a snapshot of the feedback received from the online survey. The report also references throughout several recommendations captured from several reports which were reviewed. These included:

- *2017 Access to the ACT Law Courts for Aboriginal and Torres Strait Islander People in the ACT*, 2017
- *“We Don’t Shoot Our Wounded” – Aboriginal and Torres Strait Islander Victims of Family Violence Access to Justice and Access to Services in the ACT*, 2009
- *Passing the Message Stick – Talking with Aboriginal and Torres Strait Islander People About Services for Children and Young People in the ACT*, 2014
- Feedback from the Aboriginal and Torres Strait Islander Justice Partnership Advisory Group and Caucus, 2018
- *Aboriginal and Torres Strait Islander Community Forum: Domestic and Family Violence – ‘Change our future. Share what you know’* 2017

### **3. Engagement Process**

The ACT Government and the Elected Body undertook engagement with the community via a variety of forums and methods to extend the reach into the community as much as possible and to obtain meaningful feedback to develop the Agreement.

Engagement was undertaken in the form of open community forums, one-on-one conversations with prominent members of the ACT Aboriginal and Torres Strait Islander community, including the ACT Aboriginal and Torres Strait Islander Nannies Group, members of the United Ngunnawal Elders Council, heads of Aboriginal and Torres Strait Islander community service providers and both men and women at the Alexander Maconochie Centre. A literature review was also undertaken by ACT Government on all relevant reports dating back to 2009, which captured the *We Don’t Shoot Our Wounded* report by the Victims of Crime Coordinator.

#### **3.1 Individual conversations with key stakeholders**

In March 2018 the ACT Government engaged in one-on-one conversations to discuss and seek feedback on the proposed themes and approach to be taken in regards to the Agreement conversations. This included seeking feedback on the current Agreement’s central focus, Strong

Families, and key focus areas, including those identified at the Special Gathering, and whether they were still a priority for the Aboriginal and Torres Strait Islander communities.

The conversations were held with; the ACT Human Rights Commission; Winnunga Nimmityjah; Gugan Gulwan Youth Aboriginal Corporation; the ACT Aboriginal and Torres Strait Islander Nannies Group; and the Aboriginal and Torres Strait Islander Elected Body.

From the pre-consultation conversations it was evident that there was a level of consensus around themes which came out of the Special Gathering that these were appropriate and covered all the issues the community wanted to focus on.

### 3.2 Community Forums

Community forums were held with various groups, including Traditional Custodians, detainees at the Alexander Maconochie Centre (AMC) and open forums for all Aboriginal and Torres Strait Islander people.

The ACT Government contacted all Traditional Custodians to invite them to provide feedback/input on the new Agreement.

Two community forums were held at the Aboriginal and Torres Strait Islander Cultural Centre. These were open to all Aboriginal and Torres Strait Islander community members to attend. A morning and evening session was held to provide community members increased opportunity to participate and provide government with their feedback on the new Agreement.

At the AMC, conversations were held with a women's and a men's group. Thirteen women and eight men attended these sessions. The feedback at both of these sessions was predominantly around family; care and protection; health and wellbeing; employment; housing; and justice.

Conversations were also held with the cooking group, women's and men's groups at Winnunga Nimmityjah. The feedback at these sessions was predominantly around health and wellbeing (including access to disability services and the National Disability Insurance Scheme); employment; housing; and justice.

### 3.3 Online Survey

An opportunity to provide feedback to Government on the new Agreement was provided to the ACT community via an online survey on the YourSay website at <http://www.yoursay.act.gov.au/renwing-agreement>. The survey was also promoted on the ACT Government Strong Families website. The survey was open from 21 May to 27 July 2018. Seventy responses to the survey were submitted. Four open ended questions were included in the survey:

- What do each of the priority areas mean to you and your family?
- From the priority areas already identified, what should government, service providers and community focus on?
- What do you think government, service providers and community could do to improve life outcomes for Aboriginal and Torres Strait Islander Canberrans? How can things be done better?

- What can we do to ensure Aboriginal and Torres Strait Islander Canberrans are able to make decisions about policies and programs that directly affect their lives, and respect and support these decisions? How can we involve you in the decision making?

The questions were presented in this way so that the ACT community could provide in depth responses that would be meaningful in the development of the Agreement.

### 3.4 The Aboriginal and Torres Strait Islander Elected Body

The ACT Government worked closely with the Elected Body throughout the consultation process, as a partner to the Agreement. Working with the Elected Body, the ACT Government continued to go back to members throughout the consultation process and make amendments to what is included in the Agreement, and who was consulted. The ACT Government was committed to ensuring that consultation was genuine and the concerns of Government's community partners and individuals were heard. The Elected Body has continued to work closely with each ACT Government Directorate to ensure that a whole of government approach is taken on the development of the new Agreement.

## 4. Community Feedback

It is important to note that there were a significant number of participants who voiced concerns around Government's consultation processes being repeated from previous years. The community stated that concrete action and results were the outcomes they were looking for under the new Agreement.

Another key issue raised was that Government must do more to ensure that its programs and services are delivered in culturally competent and appropriate ways. This means adhering to protocols, and working respectfully with the community and self-determination as a guiding principle to any policy framework that impacts the lives of Aboriginal and Torres Strait Islander people. It also means strong executive leadership to lead by example, set clear direction and measure, monitor and report on progress. A commitment has also been made by Government to cease the use of deficit language in the development of policy and reporting on progress against any policy/programs/initiative.

The new Agreement will include a policy framework which includes all the key focus areas identified by the community and an Action Plan that includes actions which will attempt to address the needs of the community, as heard by the community.

The following provides a combined summary of the outcomes from the community conversations, and the literature review, under each priority area presented to the community.

### 4.1 Children and Young People

"Children and Young People – this is incredibly important to me and my family. I believe Aboriginal children should either stay with their parents or extended families. I think the ACT Government is not doing enough to support Aboriginal and Torres Strait Islander families who live in the region." YourSay report 2018.

For Aboriginal and Torres Strait families, children and young people are at the heart of culture, identity and community.

There was a common theme in all the conversations undertaken with the community around Aboriginal families often in fear of Care and Protection and being reported for minor issues.

The common theme in the feedback was around support for families. Culturally appropriate support available to families to stay together, to have access to early support before families reach crisis point. Reinstating a team of Aboriginal and Torres Strait Islander workers to support front-line staff and offer cultural advice was recommended in the Human Rights Commission's 2014 report. (3)<sup>2</sup> Early intervention initiatives are crucial. In the care and protection area, a program targeting families who do not require statutory intervention but have had flags raised could prevent future contact with the system. Collective effort is required to contribute to a strong early intervention framework across government. (4<sup>3</sup>)

The community provided feedback around the need for more Aboriginal and Torres Strait Islander workers within Child, Youth and Family Support. Families need support when their children are removed, so that they are able to get their children back and parent effectively.

*Passing the Message Stick – Talking with Aboriginal and Torres Strait Islander People About Services for Children and Young People in the ACT*, report, released in 2014, included the following recommendations:

- The development of a strategy to promote parallel planning within Child Protection Services, to explore reunification with birth parents at the same time as other kinship options, leading to less time for children and young people within the foster care system.
- A review of the use of Voluntary Care Agreements, and the process of developing Cultural Care Plans within CPS.
- It was said that kinship care is under-resourced by comparison to foster care. A discrete Aboriginal and Torres Strait Islander child protection unit is needed, this was reiterated in information and complemented by a specific foster carer support program for non-Indigenous foster carers who are caring for Aboriginal and Torres Strait Islander children and young people.
- The development of a strategy to assist the recruitment of Aboriginal and Torres Strait Islander foster carers.
- The development of a culturally appropriate service that offers in home support by trained staff 24/7 for Aboriginal and Torres Strait Islander families who are at risk of the removal of children and young people.
- There was a preference for more culturally appropriate intensive family support programs outside the CPS system. (3)

Several participants in the community conversations suggested that an early intervention approach be practiced by Care and Protection, whereby families were supported to stay together and before it

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<sup>2</sup> *Passing the Message Stick – Talking with Aboriginal and Torres Strait Islander People About Services for Children and Young People in the ACT*, 2014

<sup>3</sup> Feedback from the Aboriginal and Torres Strait Islander Justice Partnership Advisory Group and Caucus, 2018

came to 'removal' of children that there should be additional steps in place to help families before they reach crisis point.

Another common theme in the conversations was that the focus should be on getting children back with their families and when this is not possible, doing everything possible to keep Aboriginal and Torres Strait Islander children at risk with their communities (kinship care). The Aboriginal and Torres Strait Islander Child and Young Person placement policy needed to be adhered to.

It was also reported by both the male and female detainees at the AMC that a lack of access to appropriate parenting support programs was a barrier to being reunited with their children once they were released.

Access to culturally appropriate alcohol and other drug programs for young people that may be at risk of using was expressed at several of the community conversations. It was mentioned that the Ngunnawal Bush Healing Farm was not providing the service that young people need around alcohol and other drug support and detoxification. Participants reported that young people often had to travel interstate to access appropriate services and this was away from family connection/supports that were crucial at these times, often leading to relapse without the necessary family support.

An important point was the need for diversionary programs for young people. It was suggested that the Ngunnawal Bush Healing Farm could be used for young people reconnecting with country.

Families reported that there was little to no support for families from community sector organisations. Participants reported that they were either referred solely to Winnunga Nimmitjiah for various issues or that they had to access mainstream services that were often not equipped or understanding of the needs of Aboriginal and Torres Strait Islander peoples.

During one of the community forums, it was stated that children who were in care were not accessing the support services that they would engage with whilst with their families.

Culturally appropriate responses to family violence were raised during the conversations, and outlined in several of the reports reviewed. Education programs for families, including the perpetrators, were identified as a gap in services available.

A coordinated approach needs to be developed to support children and young people affected by family violence that recognises the importance of education and family; and offers practical, sustainable and non-punitive support to the parent who is also a victim of family violence. Feedback from the Aboriginal and Torres Strait Islander Justice Partnership Advisory Group and Caucus was that the fear of child protection involvement was a barrier to reporting family violence. (4)

There is a need for specialist family violence initiatives, including a long term outreach family violence program that provides support within a trauma-informed framework. Aligns with the "We Don't Shoot Our Wounded" report. (4)<sup>4</sup>

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<sup>4</sup> Feedback from the Aboriginal and Torres Strait Islander Justice Partnership Advisory Group and Caucus, 2018

There is also the issue of victims not reporting incidents of family violence to police as their responses are sometimes not what the victim anticipated, whether that be the perpetrator being detained, the victim being detained for warrants or fear of children being removed as a result. “It is our lived experience that children are removed from women experiencing violence. In effect this is a punishment for and a very strong message that women are responsible for the violence”. (5)<sup>5</sup>

The overarching recommendations in the *Aboriginal and Torres Strait Islander Community Forum: Domestic and Family Violence – ‘Change our future. Share what you know’* report, released in 2017 outlined that the Domestic Violence Prevention Council and the ACT Aboriginal and Torres Strait Islander Elected Body should take a lead role in, or at least be the champions to progress with the right stakeholders the following:

- How to inform the next steps for designing family violence responses for the Indigenous community in the ACT by using the information and recommendations from the “We don’t shoot our wounded” Report;
- Development of an ACT Aboriginal and Torres Strait Islander Workforce Strategy for the sector;
- A range of supports for Aboriginal and Torres Strait Islander workers in the sector including a conference, regular catch ups to debrief and to build cross sector approaches;
- Development of an interactive functional directory to assist all service providers; and
- Develop a strategy and seek resources to support post-intervention work.

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<sup>5</sup> *Aboriginal and Torres Strait Islander Community Forum: Domestic and Family Violence – ‘Change our future. Share what you know’* 2017

## 4.2 Cultural Identity



"Giving guidance to all Aboriginal and Torres Strait Islanders to gain appropriate skills enabling them with the opportunity to lead a life equal to everybody else should they so choose to." YourSay

Culture and language were seen as important to community aspiration, identity, sustainability, and building reserves of internal strength and resilience.

People were critical of instances where they had seen protocols had been set aside, where cultural aspects had been ignored or overlooked.

The community were all in agreement that strong culture is essential to a strong, sustainable future, and people were well aware that the answers and solutions to the challenges faced by individuals/families lie within community, as well as Government. The crux was that in many critical respects the advocacy, leadership and support had to come from Government in the first instance.

The strong feeling was that Government was not invested enough, and needed to commit efforts to engage with community and to establish a firm strategic direction specifically with regard to culture and language.

There was broad agreement from the community that a self-determination policy including a statement with clear principles should be included in the new Agreement.

Most agreed that the ACT Government should continue to enact requirements and adhere to local protocols such as acknowledgement of Ngannawal peoples and welcome to country, as well as supporting NAIDOC celebrations and other significant events like Reconciliation Day.

The need for support for Aboriginal and Torres Strait Islander people to access information about their cultural identity, land, and family groups, including emotional support and assistance with processing information as it arises was raised in the *Passing the Message Stick* report. (3)



Aboriginal and Torres Strait Islander language programs being supported in schools is a high priority for the community. Aboriginal and Torres Strait Islander students need to be in an educational setting that supports their culture and who they are, as members of the community, but also as individuals. Support for language programs is a good foundation for providing an environment where cultural integrity is embedded in the way an educational setting operates. The need to further develop culturally appropriate school holiday programs that focus on building cultural identity was also a recommendation in the *Passing the Message Stick* report. (3<sup>6</sup>)

There was discussion around continued support for the employment and engagement of local Ngannawal peoples in cultural heritage sites management, continued assistance and support for United Ngannawal Elders Council.

Participants indicated the need for government to support programs that advance and promote inclusion and diversity for ACT Aboriginal and Torres Strait Islander peoples, and take a lead in highlighting success stories that relate to cultural heritage.

The community would like to see continued support for the ACT Aboriginal and Torres Strait Islander Elected Body, and all portfolios to proactively seek ways to genuinely strengthen community engagement and sense of partnership.

The community would also like the ACT Government to increase support to Aboriginal and Torres Strait Islander led community organisations and businesses.

Lastly, the most raised issue at every community conversation, under all 10 themes, was for the Government to facilitate the return of the Boomanulla Oval to local community control. The benefits of a functioning community managed complex will be felt across many areas, from culture and language, to healing, employment and training, youth, sport and recreation, and community leadership.

### 4.3 Eliminating Racism and Systemic Discrimination

The community expressed that often government uses too much bureaucratic language, which made community members feel a lack of respect was given in their communication style. This style of communication often creates further barriers for many members of the community when seeking assistance or advice. A need for plain English in government's communication style was expressed, without 'dumbing' it down.

The ACT Government should adopt a strong stance to ensure that Aboriginal and Torres Strait Islander policy, programs and services are based upon an ethos that recognises human rights and self-determination.

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<sup>6</sup>*Passing the Message Stick – Talking with Aboriginal and Torres Strait Islander People About Services for Children and Young People in the ACT, 2014*

The Government should take a lead in actions to ensure that the ACT public service is culturally competent and attuned to engage with clients and community, and to design and deliver Aboriginal and Torres Strait Islander policy, programs, or services.

The following recommendations were included in the reports reviewed: Undertake assessment and evaluation of the current providers of Cultural Awareness Training and an acknowledgement of the key competencies that this training requires. (3)<sup>7</sup> Essential that training include an anti-racism component in cultural awareness training that moves beyond an overview of colonial history to challenging racist beliefs and behaviours. Also to include related topics such as mental health and trauma. (4) Address unconscious bias among police, judiciary and corrective services. Think beyond cultural awareness training, to issues of unconscious bias and racial profiling. Training must build understanding of the impact of history in the community's reactions to the police – and in Care and Protection. Training must be undertaken locally given that ACT has its own dynamic. (4)<sup>8</sup>

Negative language was also raised by participants and the way Aboriginal and Torres Strait Islander peoples are often reported about in deficit language. Many said that support for capacity building of Aboriginal and Torres Strait Islander community organisations and networks was lacking and that working toward the possibility of a strong, resilient and vibrant Indigenous service sector would in itself would be a hedge against racism and systemic discrimination. Often governments are reporting on life outcomes for Aboriginal and Torres Strait Islander people in a deficit way. It was a common theme from participants that many had encountered discrimination when seeking advice/assistance from various government agencies. Participants stated that they would like to see more positive reporting about what people in the community are achieving.

The issue around cross border barriers when accessing services was raised. Aboriginal and Torres Strait Islander communities do not view borders in the same way that 'colonisation' has imposed in recent years, by comparison to how long Aboriginal and Torres Strait Islander nations have been in place. It was suggested at various conversation forums that consideration be given to service users, where required/appropriate across ACT and NSW borders through the establishment of Memorandums of Understanding.

## 4.4 Leadership

"They are all important but maybe focussing on community leadership and engagement will help achieve the other areas."

"Important to give young people opportunities in the community." YourSay

It was made clear by participants that they saw the connection between leadership and the other themes they were asked to consider. The positive impact that increasing leadership of Aboriginal and Torres Strait Islander peoples in the community and how it would lead to improvement in the

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<sup>7</sup> *Passing the Message Stick – Talking with Aboriginal and Torres Strait Islander People About Services for Children and Young People in the ACT*, 2014

<sup>8</sup> Feedback from the Aboriginal and Torres Strait Islander Justice Partnership Advisory Group and Caucus, 2018

other areas of the Agreement was highlighted. More Aboriginal and Torres Strait Islander peoples in senior positions would effect change. There is a need for more Aboriginal and Torres Strait Islander representation in ACT Government Executive. *The Access to Law Courts for Aboriginal and Torres Strait Islander People in the ACT* report recommended that suitably qualified Aboriginal and Torres Strait Islander law graduates should be encouraged to seek positions as judicial associates. (1)<sup>9</sup>

People viewed young people in the community as not having clear pathways to leadership positions in the Aboriginal and Torres Strait Islander communities. There is sometimes a disconnect with the youth in engaging them around their future leadership roles.

Some participants said that there was limited opportunity for elders to take on leadership within the community if they were not Ngunnawal elders.

## 4.5 Connecting the Community



“How do we maintain community connection/cultural identity? We are collectively growing apart in our community” YourSay.

There is currently no culturally safe place for community to connect, since Boomanulla Oval closed. The community is suffering without a central meeting place. At all of the conversations undertaken with the community, Boomanulla Oval was acknowledged as the heart of the start of working across all themes. Most participants expressed that the oval should be returned to community management and the community should be involved at the start of the process.

In regards to the delivery of services which aim to connect the community, it was agreed that one size does not fit all and that the delivery of some services needed to be flexible in some instances. A

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<sup>9</sup> 2017 Access to the ACT Law Courts for Aboriginal and Torres Strait Islander People in the ACT, 2017

service was proposed to offer mentoring and cultural advice to workers who are non-Indigenous and engaging Aboriginal and Torres Strait Islander clients. (3)<sup>10</sup>

The issue around information about where community can access services was also raised, as it was acknowledged that it may not necessarily be the case that services in need were not available, but community awareness may be limited. Mapping and promoting current services was suggested.

In regards to people feeling connected in the community the issue of the way in which government communicates was raised once again. Participants said that too much jargon was used by government in their communication.

The Aboriginal and Torres Strait Islander Cultural Centre was also raised and the fact that it is underutilised. People felt that it was not being used for what it was intended.

Right across the board people expressed a concern that they felt that Government policy and programs worked in silos and in a vacuum that paid little heed to effective coordination, communication, and cross-sectoral linkages. There were feelings that this placed a burden on the community who were playing catch-up trying to fathom and figure out what was happening; where and why different agencies kept asking the same thing over and over.

## 4.6 Education



"All other areas are vitally important, with education fairness paramount to providing young people equal opportunities."

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<sup>10</sup> *Passing the Message Stick – Talking with Aboriginal and Torres Strait Islander People About Services for Children and Young People in the ACT, 2014*

“For me Cultural Integrity is the most relevant target as it deeply impacts on the work within the Education Directorate.” YourSay

In terms of issues arising, when asked about Education the community stated that the systemic challenge of cultural appropriateness and cultural competence at all levels was something that needed to be addressed in order to ensure the success of students at all levels.

Many felt the planning needed to be clear about provisions for ‘second chance’ education, links to vocational training and employment, opportunities in adult and community education, and prisoner education.

People saw education as a priority building block and want Government to take a lead in fostering and promoting effective working partnership and relationships with Aboriginal and Torres Strait Islander community and parents. Wherever possible to adopt a capacity building, strengths-based approach in working to support Aboriginal and Torres Strait Islander approaches and responses to family crisis type situations.

The Access to the ACT Law Courts for Aboriginal and Torres Strait Islander People report recommended the exploration of opportunities to encourage talented Aboriginal and Torres Strait Islander secondary students to pursue a legal career. (1)<sup>11</sup>

There was also strong support for continuing with cultural activity in schools like engagement and participation in NAIDOC events, Aboriginal and Torres Strait Islander storytelling in schools, Aboriginal and Torres Strait Islander language study, and school excursions to sites of interest.

The following recommendations related to early childhood and primary/secondary education in schools, were identified in the literature review:

- Ongoing tutoring and mentoring programs for children and young people. (3)
- Schools with a high proportion of Aboriginal and Torres Strait Islander children and young people be awarded extra funding for additional services such as homework clubs, cultural connection activities, and family assistance. (3)
- An information pack be developed and promoted through schools that lists programs, initiatives, and services that support Aboriginal and Torres Strait Islander families across the ACT. (3)
- Development of an alternative education program or strategy for children and young people who cannot engage in mainstream school settings. Information on this strategy to be provided to all parents. (3)
- An Aboriginal and Torres Strait Islander educational support role be established on a full time basis at each school which focuses on recruiting educational staff with specific cultural awareness and competency. (3)
- A dedicated scholarship/sponsorship program to promote formal teaching qualifications for Aboriginal and Torres Strait Islander people. (3)

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<sup>11</sup> 2017 Access to the ACT Law Courts for Aboriginal and Torres Strait Islander People in the ACT, 2017

- More affordable Child Care for Aboriginal and Torres Strait Islander children and young people, and a number of spaces allocated to Indigenous children and young people at various centres. (3)
- A more in-depth work experience program for Aboriginal and Torres Strait Islander young people. (3)<sup>12</sup>

People also expressed a view that getting Aboriginal and Torres Strait Islander children through to Year 12 and making the transition from school to work was everyone's responsibility, and that effective education policy ought be seen as multi-sectoral and therefore mesh with other key portfolio areas such as employment, improved housing, reducing recidivism, and working to build strong family and culture.

It was expressed that there is limited adult education/bridging programs as well as education for technological advancement/acknowledgment of previous work, similar to recognition of prior learning.

Participants stressed the need for Aboriginal and Torres Strait Islander students to meet specified national educational outcome standards. The targets for Aboriginal and Torres Strait Islander students need to be in line with the expectations of non-Indigenous communities.

The community expressed a need for continued support for the CIT Yurauna Centre and related programs including the teaching in cultural competency and safety units into broader Canberra Institute of Technology teaching programs.

As was highlighted by participants under Cultural Identity, when it came to Education, participants felt strongly about the need for implementing Ngunnawal/Ngunawal language in schools program, which would build capacity to learn and engage with language and culture.

Almost all of the participants at the conversations with the detainees (women's and men's groups) indicated that the education programs offered to detainees in the AMC were not adequate, for example, once a certain level was reached there were no advanced programs. Participants said that basic numeracy and literacy were mostly what was offered. This feedback was also received from some of the participants in the other conversation forums.

Both the men's and women's groups at AMC indicated that they would like more access to education programs around parenting and alcohol and other drug rehabilitation.

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<sup>12</sup> *Passing the Message Stick – Talking with Aboriginal and Torres Strait Islander People About Services for Children and Young People in the ACT, 2014*

## 4.7 Employment and Economic Development



"By providing evidence that being part of the "system" by contributing advice really does have positive outcomes and not just providing a "lip service" so that Govt is seen to be doing the right thing by Aboriginal and Torres Strait Islander Canberrans. More accountability through outcomes, positive results instead of just going through the motions." YourSay

There was a strong view that Government could take a strong leadership role to ensure that each portfolio area does more to provide Aboriginal and Torres Strait Islander employment opportunities, including at senior levels. People felt more could be done to establish and set transparent targets and to outline measures for monitoring and review.

Some felt that more could be done to establish an employer of choice service-wide approach to learning and development, career pathways, and scholarship opportunity.

The other area for focus raised was Government procurement policy toward Aboriginal and Torres Strait Islander to encourage the development of a small to medium business sector.

In similar fashion it was also mentioned that the ACT Government could be more proactive in taking a capacity building approach to facilitate and support the Aboriginal and Torres Strait Islander community sector to be competitive in applying for Government contracted services. Focus on building the capacity of Aboriginal organisations while ensuring mainstream organisations provide accessibility across the justice sector. Mainstream organisations must build internal mechanisms that strengthen diversity in the workplace. (4)<sup>13</sup>

The Government needs to support capacity building for Aboriginal and Torres Strait Islander community organisations. There was particular focus by some of the participants on the need to strengthen organisations' capacity to deliver programs, especially long standing organisations.

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<sup>13</sup> Feedback from the Aboriginal and Torres Strait Islander Justice Partnership Advisory Group and Caucus, 2018

The Government also needs to encourage Aboriginal and Torres Strait Islander employment in business and community sector and especially those in receipt of larger Government contracts.

Participants talked about the barriers young people often encountered when transitioning from school/educational settings to work and the need to find solutions to remove identified barriers.

There was feedback that there is a need to foster work environments in the ACT Government where Aboriginal and Torres Strait Islander people are given employment opportunities at senior levels, not just traineeships and ASO positions. Entry level programs (traineeships) start at the ASO2 level, this needs to be higher to account for experience and knowledge of mature aged people.

The issue of retirement age was said to be too high for Aboriginal and Torres Strait Islander people in relation to life expectancy rates.

Both the men's and women's groups at the AMC stated that there were little or no opportunities available for detainees with training and/or development for work when released. The limited access to employment programs and the programs that are available are often not effective in leading to employment post-release. Participants said that government needs to expand current work programs to programs that lead to 'real outcomes' once released. Participants also raised employment opportunities for people on bail and exiting prison. (4)<sup>14</sup>

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<sup>14</sup> Feedback from the Aboriginal and Torres Strait Islander Justice Partnership Advisory Group and Caucus, 2018



## 4.8 Health and Wellbeing



"Mental health facilities and preventative care" YourSay

"Redirecting Aboriginal specific funding back to the local Aboriginal Community Controlled services." YourSay

Community members identified a need for Government to take a holistic approach to health care services and explicitly acknowledge and address the adverse health impacts of poor housing, incarceration, poverty, unemployment and systemic racial discrimination.

The government needs to acknowledge, target and fund services that address high levels of alcohol and drug addiction, the incidence of mental health, and social and emotional wellbeing as it impacts across the ACT region Aboriginal and Torres Strait Islander population. For many, the incidence of youth suicide was both distressing and a marker that highlighted where people fell through the cracks of Government programs with tragic consequences. The development of further services to assist the mental health needs of young people was identified, particularly those that are not able to meet the referral criteria for CAMHS, as outlined in the *Passing the Message Stick* report 2014 (3).<sup>15</sup>

One of the recurring issues at all of the conversations was the need for more rehabilitation services to be made available to children/parents and their families. The ACT is currently without an appropriate rehabilitation service that is close to community/family members for people experiencing alcohol and other drug dependency or mental health issues. People need access to detox and long term rehabilitation programs. Currently people are waiting too long to access services or are having to travel inter-state or going into the AMC. There was recognition of the fact that sometimes family violence is the bi-product of alcohol and other drug dependency, as well as the link that these both had to the existence of intergenerational trauma. Some participants stated that they considered alcohol and other drugs the main concern in regards to health and wellbeing. A specialised service that could respond to people experiencing ICE addiction was also raised, with its

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<sup>15</sup> *Passing the Message Stick – Talking with Aboriginal and Torres Strait Islander People About Services for Children and Young People in the ACT, 2014*

rising number of people it is now impacting in the community, both Aboriginal and Torres Strait Islander and non-Indigenous.

In the context of access to rehabilitation, participants stated that people may need support to go back to country to genuinely heal, and that they need to be working with family.

The literature review supported the above concerns raised during the community conversations:

- Culturally appropriate drug and alcohol services, including AOD rehabilitation (4)
- Examine opportunities to increase opening hours of the Sobering-Up Shelter to reduce number of people in protective custody. (4)
- A need for identified staff at the Sobering Up shelter. (4)<sup>16</sup>

Participants raised concerns around the use of the Ngunnawal Bush Healing Farm (NBHF). Community members felt that information on the future of the Ngunnawal Bush Healing Farm was not consistently shared with the community. Participants said, rather than a residential model the NBHF should have been developed as a clinical model. The *We Don't Shoot Our Wounded* report 2009 identified the need to: *Establish a specific service for Aboriginal & Torres Strait Islander women experiencing family violence, where a range of legal, advocacy, practical and healing activities can be delivered.* (2) In the recent consultations it was suggested, that in the immediate future, the Ngunnawal Bush Healing Farm could be used for family members who may need time out from family settings when there is family violence occurring, whilst its future use is being resolved.

The *We Don't Shoot Our Wounded* report 2009 also identified the need to: Commit to funding arrangements for services to Aboriginal & Torres Strait Islander victims of violence that are on-going and expressly recognise the more complex and intensive case management requirements involved in assisting Aboriginal & Torres Strait Islander victims of violence. (2)<sup>17</sup>

The issue of transport was a barrier when people in the community are sick and needing to get to appointments. There is currently a Winnunga Nimmityjah bus, however participants reported that this was not always available.

There is a need for more qualified social and wellbeing staff in the community, as not all community members wanted to access services provided at Winnunga Nimmityjah. Participants stated that staff often don't know how to support/refer families. This was supported by feedback received that broader community programs funded to support whole community, however Aboriginal and Torres Strait Islander people may not feel comfortable utilising these services.

Detainees at AMC reported that they do not have adequate access to health care, including GPs, dental, mental health, antenatal care and disability support. Feedback from the Aboriginal and

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<sup>16</sup> Feedback from the Aboriginal and Torres Strait Islander Justice Partnership Advisory Group and Caucus, 2018

<sup>17</sup> "*We Don't Shoot Our Wounded*" – *Aboriginal and Torres Strait Islander Victims of Family Violence Access to Justice and Access to Services in the ACT*, Victims of Crime Coordinator, March 2009

Torres Strait Islander Justice Partnership Advisory Group and Caucus 2018 included that there was a need for “Competency in mental health among staff at AMC – AMC staff to complete Mental Health Aid / all Aboriginal staff undertake the Aboriginal Mental Health First Aid certificate.” (4)

For the Aboriginal and Torres Strait Islander people in the community a huge gap was identified in the area of disability support. There is currently no National Disability Insurance Scheme registered Aboriginal and Torres Strait Islander provider in the ACT, to support community members with a holistic approach. People out in the community are constantly being referred to Winnunga Nimmityjah by mainstream community organisations, which are paid to support people with a disability. The *Passing the Message Stick* report 2014 recommended establishing a disability service within an existing Aboriginal and Torres Strait Islander service provider. (3)<sup>18</sup>

The lack of understanding and funding for people affected by Fetal Alcohol Spectrum Disorders (FASD) was also raised. This is not yet recognised in Australia as a disability, however the significant impact that it has on education, employment, health, participation, and child protection and justice could all be compared to those of other recognised disabilities. The NDIS currently recognises some cases of FASD, however Aboriginal and Torres Strait Islander people in the ACT community are likely to not be aware of this due to the current gap in targeted disability services for the community.

## 4.9 Housing



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<sup>18</sup> *Passing the Message Stick – Talking with Aboriginal and Torres Strait Islander People About Services for Children and Young People in the ACT, 2014*

“Housing – this. Is. The. Most. Important. Issue! We need to ensure our mob have secure and safe housing. Whether its long term or available crisis accommodation, the ACT need to prioritise the needs of our Aboriginal and Torres Strait Islander people.” YourSay

Included as a commitment under the new Agreement people saw the need for the ACT Government to have a clearly defined Aboriginal and Torres Strait Islander ACT Housing Policy (Unit).

The strategy would be developed in partnership with key Aboriginal and Torres Strait Islander advisory and community mechanisms, and include aims and objectives, key measures, milestones, timelines and accountabilities.

As part of the Strategy the lack of culturally appropriate housing offered/available for Aboriginal and Torres Strait Islander people in the ACT would be addressed.

It was felt that the need for crisis and emergency accommodation, and the needs of homeless youth and women needed to be specifically addressed, as well as waiting lists in general. The *Passing the Message Stick* report 2014 states that “A crisis accommodation service/temporary housing for young people and/or families” is needed. (3)<sup>19</sup>

Women/children experiencing family violence often experience or are at risk of experiencing homelessness. “There are currently not enough Women’s refuges, especially ones that can properly accommodate children”. (5)<sup>20</sup>

Some participants raised the idea that the ACT and NSW (Queanbeyan and region) could develop a Memorandum of Understanding for the purpose of public housing clients being able to transfer to properties in Queanbeyan (NSW Housing) and this being reciprocated.

Feedback at all of the community conversations, including at the AMC was the need for an official Aboriginal Liaison Officer to be engaged at Housing ACT. Additionally, Aboriginal and Torres Strait Islander frontline workers are needed in Housing ACT.

It should also be noted that people felt that from Executive levels down, adequate attention is given to ensure that the portfolio is culturally attuned and competent in dealings that involve ACT region Aboriginal and Torres Strait Islander peoples.

For people exiting/transitioning from the AMC to temporary housing to public housing, there is a lack of options and support and then lack of support when accessing public housing. This often sets people up to fail and return to incarceration due to minor offences or breaches that could have been avoided if there were appropriate and adequate supports in place. Feedback from the Aboriginal and

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<sup>19</sup> *Passing the Message Stick – Talking with Aboriginal and Torres Strait Islander People About Services for Children and Young People in the ACT*, 2014

<sup>20</sup> *Aboriginal and Torres Strait Islander Community Forum: Domestic and Family Violence – ‘Change our future. Share what you know’* Coolamon Advisors, 2017

Torres Strait Islander Justice Partnership Advisory Group and Caucus 2018 identified the need for accommodation for detainees on bail and transitioning from AMC. (4)<sup>21</sup>

## 4.10 Justice



"Reducing incarceration / removal of children."

"Many of the areas can be linked to one central them - justice. If we have better access to justice measures then we are able to achieve in the others." YourSay

Law and justice issues figured prominently in the conversations. People's lived experience and exposure made them well aware of the detrimental impacts on family life and community wellbeing with the continuing high levels of incarceration.

There was a strong call to increase the numbers of Aboriginal and Torres Strait Islander staff throughout the entire Justice/Youth Justice system. This included numbers in Executive and management positions as well as frontline staff. People also noted the lack of Aboriginal and Torres Strait Islander professional staff in counsellor, psychologist and social worker roles engaged to support those involved in the justice system.

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<sup>21</sup> Feedback from the Aboriginal and Torres Strait Islander Justice Partnership Advisory Group and Caucus, 2018

The low numbers of Aboriginal and Torres Strait Islander staff partially contribute to what people saw as a serious lack of cultural competence and sensitivity in how programs and services were delivered. This was seen as an area for immediate attention perhaps as a portfolio contribution to a whole of government Aboriginal and Torres Strait Islander Employment, Retention and Career Development Plan. Feedback from the Aboriginal and Torres Strait Islander Justice Partnership Advisory Group and Caucus 2018 was that cultural competence needed to be embedded across the justice sector. (4)<sup>22</sup>

There was a strong feeling that justice/youth justice functions were crisis driven, reactive, top-down and operated out of silos. This ran counter to what the community wanted in genuine partnership that aligned with principles of self-determination, social justice and human rights, and sound community development, capacity building, strengths-based practices.

There were expressions of outrage at the numbers incarcerated for what they thought were relatively minor offences such as non-payment of fines and breaching conditions of parole, and those incarcerated felt that the system ran on an ethos of punishment and retribution. Working to turn some of this around was seen as an important priority and a major body of work in itself. Feedback from the Aboriginal and Torres Strait Islander Justice Partnership Advisory Group and Caucus 2018 was that alternatives to imprisonment through early intervention, prevention and diversion strategies be considered. (4)<sup>23</sup>

People expressed concern that mental health, LGBTIQ and disability were not being addressed within the Justice/Youth Justice system and therefore requiring some due attention. This aligned to comments about acknowledging diversity across and within the ACT Aboriginal and Torres Strait Islander population and not defaulting to a “one size fits all” mentality. Feedback from the Aboriginal and Torres Strait Islander Justice Partnership Advisory Group and Caucus 2018 also supported culturally appropriate justice responses for people with a mental illness, cognitive impairment or disability. (4)

In general, participants stated that more accountability is needed by government and Ministers. The community is not happy with government and service providers, and feel that they are not being held to account.

Some participants felt much more needed to be done in terms of the focus and spread of preventative and rehabilitation programs and services, and that working to build capacity in community-based Aboriginal and Torres Strait Islander groups such as Gugan-Gulwan or Winnunga Nimmityjah to deliver some of these might be a good longer term option.

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<sup>22</sup> Feedback from the Aboriginal and Torres Strait Islander Justice Partnership Advisory Group and Caucus, 2018

<sup>23</sup> Feedback from the Aboriginal and Torres Strait Islander Justice Partnership Advisory Group and Caucus, 2018

Other key comments were made about the need to find ways and means to introduce culturally appropriate diversion and sentencing options, and improve the coordination and linkage aspects of ancillary and related services.

In regards to Aboriginal and Torres Strait Islander people's experience with courts and the judicial system the following recommendations were outlined in the *2017 Access to the ACT Law Courts for Aboriginal and Torres Strait Islander People*:

- Organise a cultural competency development session for judges and registrars. (1)
- Promote engagement with key Aboriginal and Torres Strait Islander representatives and services, including Winnunga Nimmityjah. As part of this engagement, organise an annual program for Aboriginal and Torres Strait Islander representatives and judges to share ideas. (1)
- In consultation with Aboriginal and Torres Strait Islander representatives, endeavour to ensure that the new Supreme Court building and/or the new shared Courts facilities acknowledge Indigenous peoples including, if appropriate, by the display of Aboriginal and Torres Strait Islander artwork and the provision of physical spaces that improve Aboriginal and Torres Strait Islander peoples' experience of the Court/s. (1)
- Include Aboriginal and Torres Strait Islander representation on the Supreme Court Drug and Alcohol (DAC) Working Group and ask the Group to ensure that any DAC proposal addresses the cultural needs of Aboriginal and Torres Strait Islander DAC participants (including any need for specialist residential rehabilitation placement and the possible inclusion of a permanent Indigenous representative on any DAC team). (1)
- Inform judges of the activities of the Judicial Council for Cultural Diversity and the Courts Cultural Diversity Committee and consider implementing any recommendations for action that are made by the Council or the Committee. (1)
- Review the actions annually. (1)
- Explore the possibility of employing Aboriginal and Torres Strait Islander liaison officers to support Indigenous litigants, witnesses (including victims of crime) and their families who attend the Court/s. (1)
- Improve data collection for the purpose of informing the development of evidence based policy by the Courts and external bodies. (1)<sup>24</sup>
- Breaches: Galambany Court could be expanded to deal with people who may be in the process of being breached for not complying with court orders. (4)<sup>25</sup>

In several of the community conversations, participants stated the need to ensure that justice responses were not just based around the perpetrator, but also the victims of crime. *We Don't Shoot Our Wounded* report recommended that there be a provision for advocacy, assistance & support to Aboriginal & Torres Strait Islander women from the time they report to police through

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<sup>24</sup> *2017 Access to the ACT Law Courts for Aboriginal and Torres Strait Islander People in the ACT*, Professor Kerry Arabena & Karen Milward, 8 June 2017

<sup>25</sup> Feedback from the Aboriginal and Torres Strait Islander Justice Partnership Advisory Group and Caucus, 2018

the prosecution and court process, and linked to victim support measures aimed at securing their personal, financial and social stability and security. (2)<sup>26</sup>

### **Alexander Maconochie Centre (AMC) Conversation**

Whilst holding conversations with the men's and women's groups at the AMC, issues of overcrowding and a lack of options for activity were raised. Some detainees were forced into lockdown situations and not provided with any exercise/yard time.

There were women who indicated that their level of education was beyond anything offered to detainees in the AMC and this left them with no appropriate programs to participate in. The *Passing the Message Stick* report identified the need to have a mentoring/role modelling service for Aboriginal and Torres Strait islander young people, particularly those who are at risk of offending. (3)<sup>27</sup>

As mentioned in the conversations around housing, participants from the women's and men's groups at the AMC expressed the need to have more access to support services prior to release. Throughcare needs to be available for detainees on remand or if they are released earlier. Each detainee who is nearing release (3 months or less) is supposed to have been engaged by their Community Corrections Officer (CCO) (if they are being released on a supervised community order) and/ or Throughcare Transition Officer TTO, pre-release. Detainees often state this does not occur and on release they do not know who their allocated CCO and/or TTO is, and how to find out who they are and make contact with them.

The women detainees all agreed that information on services is not provided to them (ie Aboriginal Legal Service are funded to provide support around probation). Detainees suggested that cultural proficiency training be undertaken by all parole officers prior to working with Aboriginal and Torres Strait Islander clients and an increase in access to diversion programs to avoid unnecessary breaches. The *Passing the Message Stick* report stated that more information for Aboriginal and Torres Strait Islander people who are detained at the Alexander Maconochie Centre, particularly about services available for their families and their rights, was needed. (3) Feedback from the Aboriginal and Torres Strait Islander Justice Partnership Advisory Group and Caucus 2018 stated that there was a need to Improve information and service linkage for victims. (4)

Most of the detainees indicated that they were often back in the AMC due to breaches of parole conditions (either due to positive drug readings or not turning up to parole meetings, but no new offences). Priority focus areas identified by the Aboriginal and Torres Strait Islander Justice Partnership Advisory Group and Caucus included: breaches be identified as a possible priority area.

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<sup>26</sup> "We Don't Shoot Our Wounded" – Aboriginal and Torres Strait Islander Victims of Family Violence Access to Justice and Access to Services in the ACT, Victims of Crime Coordinator, March 2009

<sup>27</sup> *Passing the Message Stick – Talking with Aboriginal and Torres Strait Islander People About Services for Children and Young People in the ACT*, Alasdair Roy (Children and Young People Commissioner) & Helen Watchirs (Human Rights and Discrimination Commissioner), 2014



(4) Strengthen programs on remand, particularly for women (4) Reverse the decline in cautions and diversions - priority area (4)<sup>28</sup>

One of the female detainees said she had problems with accessing timely public transport to get her children to school and allow her to attend her probation meeting (she said she had to catch two buses to her children's school and if she missed one they couldn't get to school on time. This also affected her attending her probation meetings.)

Some of the women indicated that when they accessed Toora's Coming Home program that if they had a debt from a previous stay at their accommodation, then they were required to repay that debt as well as new rent costs, which was stopping them from moving forward from their financial stress.

One man indicated that he was not able to access public housing in eight years (on the wait list for this period) as every time he exited AMC he would go back to the end of the Housing waiting list.

In regards to Aboriginal Liaison Services, the ALO who works with police and attends call outs with AFP officers is not always available. Participants suggested that more ALOs should be engaged to ensure that dealings with police and the justice system were improved.

The women's group at the AMC identified the need for a female ALO. There is currently no female ALO engaged at the AMC and women are required to access the male ALO, which is not always appropriate or acceptable to the needs of female detainees.

The issue of no access to, or inadequate work programs was an issue for both the men and women, whilst in the AMC. This was identified as another barrier for people to succeed once released.

Both the men's and women's groups stated that there was no adequate parenting or alcohol and other drug programs for people to participate in to assist them when they are released, to assist in keeping their children with them.

The issue of family violence being addressed adequately and appropriately was raised. People from both the men's and women's groups divulged that they were in the AMC due to reasons related to family violence. People said that they wanted government and community organisations to work better with families around family violence and drug and alcohol support to prevent people from entering the AMC around things that could be prevented through early intervention. Programs for female offenders to respond to the increase in incarceration of Aboriginal women.

Feedback from the Aboriginal and Torres Strait Islander Justice Partnership Advisory Group and Caucus, 2018 outlined the following: develop female-specific programs; target young females in particular; and programs to recognise and respond to women as both victims and offenders. (4) The feedback also included: family violence and the seriousness of crime committed cited as major factors in the decline of cautions and diversions. Government should consider how best to respond to FV in the context of the Partnership seeking to reduce incarceration. (4)

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<sup>28</sup> Feedback from the Aboriginal and Torres Strait Islander Justice Partnership Advisory Group and Caucus, 2018

The issue of access to pre-natal care was raised during the conversation with the women's group and one woman stated that she was concerned about whether she would have access to timely or appropriate pre-natal care.

Some of the men indicated that there was not any assistance for people in the AMC with a disability or mental health concerns. Feedback from the Aboriginal and Torres Strait Islander Justice Partnership Advisory Group and Caucus 2018 highlighted the need for competency in mental health among staff at AMC – AMC staff to complete Mental Health Aid / all Aboriginal staff undertake the Aboriginal Mental Health First Aid certificate. (4)<sup>29</sup>

In regards to access to legal advice, several men indicated that they have no access to legal advice (most advice they receive is from other detainees at AMC). Court Experience Reports are only available for Supreme Court matters, should be open to use in other Courts.

Finally participants stated that government needs to display a better understanding of Aboriginal Law reflecting the principle of Self-determination.

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<sup>29</sup> Feedback from the Aboriginal and Torres Strait Islander Justice Partnership Advisory Group and Caucus, 2018

## 5. What we have heard from the community and the next steps....

From the broad community consultation undertaken by the ACT Government and the Aboriginal and Torres Strait Islander Elected Body, it is clear that the community strongly agreed that the 'Strong Family' theme as the focus of the current ACT Agreement was rightly placed as the heart of the Agreement. The entire fabric of family was seen as being at the core of culture, identity and community and cuts across all other priority areas.

The critical areas that will be included are: Children and Young People; Cultural Integrity; Inclusive Community; and Community Leadership. The other areas identified, that are considered significant focus areas, are: Connecting the Community; Justice; Housing; Life Long Learning; Economic Participation; and Health and Wellbeing.

The community agreed that the above areas were important to be included in the new Agreement, along with the need for a self-determination principle acknowledged in the framework.

**The following are direct quotes submitted by members of the community in response to the online survey on YourSay.**

**What do each of the priority areas mean to you and your family?**

*"Consistent ongoing engagement. All services and stakeholders involved must stay engaged with each other and their clients to avoid too much workload dependent on other entities."*

*"Housing - biggest issue for working families - there is no housing - there is no affordable housing - there is no secure housing - there is racism. If you are in crisis or on welfare, you might end up in public housing. There is nothing wrong with this - just saying, if you work, expect to face all of the above."*

*"Justice – again! This is a complex issue that needs support from housing and education. We are not doing enough."*

**From the priority areas already identified, what should government, service providers and community focus on?**

*"Increasing capacity of Aboriginal service providers, ensuring that at any opportunity, programs for us are delivered by us."*

*"Giving guidance to all Aboriginal and Torres Strait Islanders to gain appropriate skills enabling them with the opportunity to lead a life equal to everybody else should they choose to."*

*"An increase in educational opportunities which in turn contributes to a self-confidence to seek employment."*

**What do you think government, service providers and community could do to improve life outcomes for Aboriginal and Torres Strait Islander Canberrans? How can things be done better?**

*"Earlier intervention. Concentrate on the very young in preschool. There are opportunities for those that are well educated but not for those who are struggling."*

*"Address historical injustice, enable self-determination"*

*"Systemic attitude changes towards Indigenous people in work and the community. Focusing on inclusion and valuing input and opinions."*

**What can we do to ensure Aboriginal and Torres Strait Islander Canberrans are able to make decisions about policies and programs that directly affect their lives, and respect and support these decisions? How can we involve you in the decision making?**

*"To gather mob to familiar surroundings "BOOMANULLA OVAL" to have frequent community meetings. I believe that is where the mob will go."*

*"More opportunities for community consultations – going out to community more. The visit to AMC was a great example. Online surveys like this is another opportunity, hard copy/mail for non-technology users."*

### Community Conversations on the renewal of the ACT Aboriginal and Torres Strait Islander Agreement

Date	Forum	Number of Participants
<b>13/3/18 to 22/3/18</b>	Pre-Conversations: <ul style="list-style-type: none"> <li>• ACT Human Rights Commission</li> <li>• Gugan Gulwan Youth Aboriginal Corporation</li> <li>• Nannies Group</li> <li>• Winnunga Nimmityjah Aboriginal Health and Community Services</li> <li>• Aboriginal and Torres Strait Islander Elected Body</li> </ul>	2 participants 1 participant  5 participants 1 participant  1 participant  <b>Total 10 participants</b>
<b>24/4/18 to 14/8/18</b>	Community Conversations: Alexander Maconochie Centre – Men Alexander Maconochie Centre – Women Open Forum (AM) Open Forum (PM) Winnunga Nimmityjah Aboriginal Health and Community Services Men's Group Winnunga Nimmityjah Aboriginal Health and Community Services Cooking Group	8 participants 13 participants 4 participants 3 participants 8 participants  9 participants
<b>25/5/18 to 27/7/18</b>	Online Survey	Emailed to: <ul style="list-style-type: none"> <li>• External stakeholders x 57</li> <li>• ACT Indigenous Network x 5 times – membership of 750 people</li> <li>• ACT Public Service Murranga Murranga Network x 4 times – membership of 125 employees</li> </ul>

		<ul style="list-style-type: none"> <li>• Whole of Government Message x 1 message – 350 Aboriginal and Torres Strait Islander staff (this number is based on the 2016-17 State of Service Report)</li> </ul>
<b>5/6/18 to 27/7/18</b>	Online Survey (YourSay Website)	Unique page views x 344 Entrances to survey x 186 Survey completed x 70 (equates to approx. 37% of entrances to survey)

### Literature Review References

1. *2017 Access to the ACT Law Courts for Aboriginal and Torres Strait Islander People in the ACT*, Professor Kerry Arabena & Karen Milward, 8 June 2017
2. *"We Don't Shoot Our Wounded" – Aboriginal and Torres Strait Islander Victims of Family Violence Access to Justice and Access to Services in the ACT*, Victims of Crime Coordinator, March 2009
3. *Passing the Message Stick – Talking with Aboriginal and Torres Strait Islander People About Services for Children and Young People in the ACT*, Alasdair Roy (Children and Young People Commissioner) & Helen Watchirs (Human Rights and Discrimination Commissioner), 2014
4. Feedback from the Aboriginal and Torres Strait Islander Justice Partnership Advisory Group and Caucus, 2018
5. *Aboriginal and Torres Strait Islander Community Forum: Domestic and Family Violence – 'Change our future. Share what you know'* Coolamon Advisors, 2017