



COMMUNITY & PUBLIC SECTOR UNION
CIVIL SERVICE ASSOCIATION OF WA

Office for Advocacy and Accountability in Aboriginal Affairs

CPSU/CSA Response to
Department of Premier and
Cabinet's Discussion Paper



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Acknowledgement of Country

The Community and Public Sector Union/Civil Service Association acknowledges the Australian Aboriginal and Torres Strait Islander peoples of this nation. We acknowledge the traditional custodians of the lands on which our Union is located, where we conduct our business and where our members work. We pay our respects to ancestors and Elders, past and present. The CPSU/CSA is committed to honouring Australian Aboriginal and Torres Strait Islander peoples' unique cultural and spiritual relationships to the land, waters and seas and their rich contribution to society.

Foreword

As an Aboriginal person, and as a Vice President of this Union, it is with honour that I provide this foreword to the Community and Public Sector Union/Civil Service Association submission on the Department of Premier and Cabinet's Discussion Paper on the proposed Office for Advocacy and Accountability in Aboriginal Affairs.

The State Government is to be commended for taking steps towards establishing an office, independent of the government of the day, to deal with advocacy and accountability in Aboriginal affairs. Aboriginal staff in the public sector are a valuable repository of knowledge and information and this submission attempts to draw upon that knowledge and information to shape this office in order to create a better future for all Aboriginal people in Western Australia.

Key themes throughout this submission come from first-hand experience of Aboriginal people who are passionate about the work they do and about ensuring the communities in which they work and live, flourish and prosper. Our Aboriginal members want to use their voice to be heard by this office and translate this voice into action and outcomes – it is about having a say in addressing matters that affect them.

The establishment of this office is the first step of a journey of a thousand miles; and a step in the right direction.



Matt Abrahamson, Vice President CPSU/CSA; Convenor of the CSA Aboriginal and Torres Strait Islander Advisory Group

A note on terminology

The terminology used in the discussion paper references Aboriginal people, however the CPSU/CSA acknowledges, recognises and values that Torres Strait Islander people also live and work in Western Australia, including within the public sector. Wherever the term 'Aboriginal' is used in this submission, it should be deemed to be inclusive of Torres Strait Islander people, unless specifically referencing Western Australian traditional owners and language groups. The term 'Aboriginal and Torres Strait Islander' has been used in full where this is part of a title or part of a specific quotation or statistic.

Executive Summary

The Community and Public Sector Union/Civil Service Association (CPSU/CSA) has developed this submission in consultation with members who identify as Aboriginal¹. The Union and its members view the proposal and our submission as part of the opening of a deeper conversation.

CPSU/CSA members have responded with cautious support to the proposal, with some reservations based on experience with paternalistic and less than effective past approaches.

The functions listed in the Discussion Paper are supported by members, with one significant addition: the specific role of reviewing and reporting on the accessibility and practical application of Aboriginal employees' rights, including public and private sector employees and Community Development Program (CDP) workers.

Opportunities exist to provide leadership in identifying and promoting best practice Aboriginal employment and retention strategies. The CPSU/CSA would seek to work with the proposed Office in developing model clauses for employment agreements on Cultural and Ceremonial Leave.

One key challenge will be ensuring that relevant draft policies and bills are referred at an early stage in their development, which has been a frustration for the Commissioner for Children and Young People. The Union and members in key policy roles are willing to work collaboratively to identify effective referral mechanisms.

Members have also highlighted a range of inequities in the WA public sector. These include:

- Career limitations for public sector workers employed through s50D positions (under the *Equal Opportunity Act 1984*).
- Under representation of Aboriginal people in the WA public sector
- Over representation of Aboriginal public sector workers in the lower pay grades

These limitations narrow the range of cultural influencers and perspectives at higher levels in the WA public sector. Models used in other States, such as the Northern Territory, may be useful in this context.

¹ For the purposes of this submission, it is taken as read that the term Aboriginal includes Torres Strait Islander people living and working in Western Australia.

Examining the bigger picture of the withdrawal of services and programs over the last decade should be part of the gap analysis in identifying future services. In the justice system, endemic racism is highly evident, with the high incarceration levels for adults and juveniles and underfunding of diversion and education programs in the detention system. Despite multiple inquiries, there has been little measurable change in these key statistics. The proposed Office has the potential to keep a clear spotlight on these issues and take a holistic perspective on reform.

In the health and welfare systems, as in justice, outsourcing can lead to a lack of program integrity and mission drift with less supervision and oversight, and reduced expectations for training and qualifications, with a resulting reduction in outcomes for the health and well-being of Aboriginal people.

In terms of the structure and powers of the proposed Office, members were broadly supportive. The Office would need to be transparent and accountable in terms of its own processes and decision-making to engender confidence. It is noted that the current relevant Standing Committee is not a Joint Standing Committee and that it has 21 areas of responsibility. Consideration needs to be given to whether this will best serve the needs of the people it represents.

CPSU/CSA members felt that the name of the Office should succinctly address its mission, and that 'Commissioner', rather than 'Ombudsman' would be preferred. Appointments should be for five years, with potential for one extension. Senior Aboriginal public sector staff should be a part of the selection committee and the process should include broader Aboriginal engagement in identifying key characteristics that they would look for and value in the role.

Introduction

The Community and Public Sector Union/Civil Service Association (CPSU/CSA) is a Western Australian (WA) Union that represents 630 occupations in over 130 public sector agencies. We make work life better for over 40,000 people; our members make WA work.

The CPSU/CSA has drafted this response based on our members' feedback as the opening comments in the conversation around the establishment and operation of an office as proposed in the Discussion Paper. We look forward to continuing this conversation with our members and the Department of Premier and Cabinet and other stakeholders over the coming months.

This submission aims to capture members' voices and perspectives that have been expressed throughout the CPSU/CSA's consultation process. Some feedback received throughout this process highlights well-established issues in the health and well-being of Aboriginal Western Australians. Other feedback reflects the concerns of members frustrated by feeling excluded from public sector consultation processes. This submission aims to communicate the variety of perspectives received from members rather than seek consensus at this stage, however members' support for establishing an independent statutory office for advocacy and accountability in Aboriginal affairs is clear.

This submission also references the Statement to the Council of Unions WA in August 2018 by the participants in the 2018 Aboriginal and Torres Strait Islander Leadership Program, which included CPSU/CSA members. The Statement is included as an Appendix to our submission (Appendix A).

CPSU/CSA members have responded positively to the proposal for an Office of Advocacy and Accountability in Aboriginal Affairs in Western Australia and the opportunities it presents, however, members also expressed some reservations based on their experiences.

Member consultation

The CPSU/CSA referred the proposal to its Aboriginal and Torres Strait Islander (ATSI) Advisory Council for comment. The Advisory Council was established to provide advice and guidance to the Union across a number of areas including improved Union support for Aboriginal members, ensuring that agreement negotiations are responsive to the changing needs of Aboriginal members and their families and to amplify the voice of our Aboriginal members in the sector. In addition, the Union conducted an on-line survey which was sent to all of our members who identify as Aboriginal. The Union also phoned a sample of members who identify as Aboriginal.

Around 22 per cent of the CPSU/CSA's online survey respondents and around 40 per cent of phone interviewees were not aware of the proposed office or the release of the discussion paper prior to hearing about it through their Union. The CPSU/CSA reasonably expects that public sector employees who are Union members would have more awareness of the proposed office for advocacy and accountability than the general public. This indicates that despite clear intentions from the Department of Premier and Cabinet to consult broadly, there is a consultation and awareness gap which needs to be bridged.

Recommendations

General

1. That the State Government is commended for this initiative.
2. That an independent statutory office be established for advocacy and accountability in Aboriginal affairs.
3. That following consideration of all submissions received, the Department of Premier and Cabinet seeks further input and review from stakeholders including the CPSU/CSA on a detailed proposal before drafting the relevant Bill for the Parliament's consideration.
4. That the legislative basis for the new Office includes a mechanism that requires Ministers and agencies to consult with the Office in the early stages of developing new policies and statutes that have a direct or indirect focus or impact upon Aboriginal people.

Employment

5. That the functions of the new Office include reviewing and reporting on Aboriginal employees' rights and equity of access to workers' rights in Western Australia, including private and public sectors and CDP workers.
6. That the new office, in consultation with Unions, develops a model clause for public and private sector employment agreements that sets out a basis for equitable provision of paid cultural and ceremonial leave.
7. That the new Office assists in developing cultural awareness training for delivery across the WA public sector for the use of agencies that do not already have such training in place.
8. That the new Office meets with the CPSU/CSA Aboriginal and Torres Strait Islander Advisory Council on a quarterly basis to gain insights into the challenges faced by

Aboriginal employees in the WA public sector and to identify opportunities for improvement.

9. That the new Office initiate a review of best practice Aboriginal employment and retention strategies from WA and other jurisdictions in Australia and works with the CPSU/CSA and other public sector unions to produce a model and toolkit for public sector employers' use.
10. That this review includes a review of section 50D positions and analyses their impact, positive or negative, on career development.
11. That the employment and retention strategy should include specific targets for elevating the Aboriginal employment profile across all levels of the WA public sector.

Scope of Office

12. That consideration be granted to the potential of empowering the Office Commissioner (or equivalent position) to hold a role in auditing and collaborating on internal investigations relating to the deaths of Aboriginal people linked with the provision of public services.
13. That a recruitment process be developed for the the Office Commissioner (or equivalent position) that is reflective of the revised recruitment process for the Commissioner for Children and Young People.
14. That the selection process for the Office Commissioner (or equivalent position) should include the participation of Aboriginal people at all stages of the selection or appointment process.
15. That the new Office reforms human resources job design and position selection criteria to improve the employment and retention of Aboriginal public sector workers.

Response to Discussion Paper

Overall comments

Overall, the CPSU/CSA's Aboriginal members expressed cautious yet optimistic support for the proposed new office. As noted in the discussion paper, Western Australia's history of engagement with Aboriginal people has been fraught with missteps, paternalism and actions that, today, seem reprehensible. The proposed office provides the opportunity to seek a more unified and reconciled State and services for Aboriginal people.

The new office will need a broad scope of work as well as longevity of purpose, not captured by short term thinking, in order to succeed.

Specific responses and concerns are set out below under the relevant headings.

Function of the new office

The functions identified in the Discussion Paper as part of the proposed office are supported by CPSU/CSA members, with additional elements in relation to equity and workers' rights and policy development as described in this submission.

Equity and workers' rights

One significant gap in the list of the functions of the office highlighted by our members and by the First Nations' Workers Alliance (the Aboriginal interests group of the Australian

Council of Trade Unions) is identifying inequities in the accessibility and application of workers' rights for Aboriginal people.. Examples of the inequities include:

- Lack of workers' rights and equitable treatment for CDP workers; and
- Concerns about potentially career limiting impact of taking on section 50D roles.

CDP workers' rights are a key concern. Presently, they do not have access to federal WHS protections, worker's compensation or leave categories that the rest of the Australian workforce take for granted, such as annual leave or personal leave (which includes sick leave and carer's leave).

Section 50D of the *Equal Opportunity Act 1984* allows for specific positions to be created that that have identified a genuine need for a person from a particular racial group to undertake the role. The aim of this is to provide "persons of a particular race with services for the purpose of promoting their welfare where those services can be most effectively provided by a person of the same race"².

Feedback from multiple CPSU/CSA members expressed concern that accepting 50D positions (positions under s 50D of the *Equal Opportunity Act 1984*) can become a self-limiting career move, as employers seem to have difficulty looking beyond the incumbent's Aboriginality to see their breadth of skills when considering promotion to higher levels or other roles. As well wasting the skills and experience of capable staff, this has the secondary impact of limiting the emergence of Aboriginal public sector senior managers and directors with the ability to influence corporate culture across the sector.

"Specific achievable steps they could take include pathways to higher-level and acting (in higher positions) opportunities for Aboriginal public sector workers and pathways to progress to mainstream jobs from 50D positions, similar to the system in NSW. The priority should be to make the WA public sector an 'Employer of choice' for Aboriginal people."

-CPSU/CSA Aboriginal Member

Strategies for the new office

Some of the challenges facing the new Office are integrating with the rest of the public service to achieve meaningful outcomes and ensuring that the office is consulted on proposed policies and legislation at an early stage in the drafting process.

Strategies that could be considered in integrating the work of the Office into the public sector include:

- Developing a positive working relationship with the CPSU/CSA's Aboriginal and Torres Strait Islander (ATSI) Advisory Group as a means of identifying issues and strategies.
- Developing and rolling out cultural awareness training across the sector. It is recommended that this would be undertaken by the Office's staff rather than an externally contracted provider as a way of meeting the additional objective of building networks and relationships with key staff across the sector. The training should also go beyond "cultural theatrics" as one member expressed it and deliver an honest review of the lived history of Aboriginal people in WA and challenges faced by Aboriginal public

² *Equal Opportunity Act 1984 (WA)*

https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_305_homepage.html

sector workers. It is noted that such training packages may also be of benefit outside the public sector.

- Some agencies, such as the Departments of Health, Communities and Mines, Industry Regulation and Safety, have existing Aboriginal Employment Strategies. A comprehensive review of these strategies with best practice in mind can improve upon these models. This should include specific targets and regular public sector reporting on retention as well as employment.

During the bargaining process for the recent *Public Service and Government Officers CSA General Agreement 2017*, the CPSU/CSA included a claim for up to five days per year of paid Cultural and Ceremonial Leave on a non-cumulative basis. The claim was based on priorities identified by our members and was not successful on this occasion, in large part due to the restrictive nature of the *Public Sector Wages Policy Statement 2017*. The Union notes that the *Victorian Public Service Enterprise Agreement 2016* provides for one day per annum to attend NAIDOC events and up to three days paid leave for cultural and ceremonial purposes for employees of Aboriginal and Torres Strait Islander descent (Section 53, page 92).³

Table 1 - Examples of Australian public institutions and employing authorities with Ceremonial/Cultural leave clauses in their collective agreements.

Agreement	Relevant provision
Charles Darwin University & Union Enterprise Agreement 2013	Up to 5 days paid and 10 days unpaid leave
Victorian Public Service Enterprise Agreement 2016	For employees of Aboriginal and Torres Strait Islander descent - 1 day to participate in NAIDOC activities, up to 3 days paid leave for ceremonial purposes
University of Western Australia	15 hours cultural & ceremonial, additional 2 days for Aboriginal and Torres Strait Islander employees
Department of Industry, Innovation and Science Enterprise Agreement 2016-2019	5 days paid leave for cultural and ceremonial purposes for Aboriginal and Torres Strait Islander employees
University of Southern Queensland	5 days paid cultural and ceremonial leave for those who “identify and are accepted as Aboriginal or Torres Strait Islander”

³ Victorian Public Service Enterprise Agreement 2016 available at: <https://www.dtf.vic.gov.au/funds-programs-and-policies/victorian-public-service-enterprise-agreement-2016>

Government of South Australia (Department of Health)	Up to 15 days special leave. The entitlement to Cultural Leave, Special Leave with Pay is included within (and is not in addition to) the existing Special Leave with Pay provisions for SA Health employees
Edith Cowan University	Cultural and Ceremonial leave of 3 additional days per year to “follow and practise cultural, spiritual or religious beliefs”
The University of Newcastle	5 days paid leave for the purposes of participation in National Aboriginal and Islander Day celebrations and participation in and fulfilment of ceremonial obligations, attendance at community organisation business or other relevant cultural events; and a further 5 days of unpaid Indigenous Australian Leave is also available each year

Policy development

In terms of the challenges facing the new office in ensuring that they are consulted on proposed legislation, policies and strategies that impact on Aboriginal people at an early stage in their development, the 2013 *Review of the Commissioner for Children and Young People Act 2006* identified similar gaps. Recommendation 8 of the Review was to explore the feasibility of the Cabinet Secretariat referral process as a mechanism to ensure the Commissioner had been consulted in relation to significant policies and legislation that impacts on children and young people.

It is noted that there has been a detailed body of work undertaken as part of the Sustainable Health Review that has engaged widely and systematically with Aboriginal consumers and providers across WA. Some of the learnings from this exercise may provide sound principles for an engagement framework in developing strategic directions for advocacy in WA. It is noted that this work drew upon an Aboriginal Expert Reference Group established as a part of the WA Aboriginal Health and Wellbeing Framework 2015-2030. It is also recognised that there is a need for renewal and refreshment of the voices to provide leadership development opportunities for emerging champions and leaders.

Members noted that although the functions and business of the proposed office should be independent from Ministerial directions, that this should not preclude allowing Ministers to request advice or information from the Office and to work collaboratively with Ministers of matters of shared priority. For example, family and domestic violence disproportionately affects Aboriginal women at 34-80 times the rate of non-Aboriginal women⁴, and may therefore be a matter of shared priority for the Office and the Minister for Prevention of Family and Domestic Violence.

⁴ Spinney, A and Cripps, K, 2016, FactCheck Q&A: are Indigenous women 34-80 times more likely than average to experience violence? The Conversation. Available from: <https://theconversation.com/factcheck-qanda-are-indigenous-women-34-80-times-more-likely-than-average-to-experience-violence-61809>

A targeted solution will require the ability for the Office to liaise effectively with the referring Minister's office and a number of agencies to identify solutions. This could, however, divert resources of the Office and limit its capacity to address other issues. The funding model for the Office would need to enable both Office-directed priorities and such matters of shared priority to be pursued to avoid potential adverse outcomes.

Business of the new office

A key element of the business of the new Office will be developing a robust set of guiding principles to drive and reframe the conversation, to amplify Aboriginal voices to improve life outcomes for Aboriginal people in Western Australia and involve Aboriginal people in the co-design of programs and services for Aboriginal people. Key questions framing the focus of the office should include: Where is the greatest need? Where can change deliver the most impact? CPSU/CSA ATSI members have frequently used the phrase: "nothing about us without us."

A key challenge identified by CPSU/CSA members includes representing the variety of Aboriginal perspectives and voices from across the state and in every stratum of society. As well as the acknowledged importance of engaging language groups and communities, avenues for consulting with Aboriginal people who are not a part of these communities and relationships need to be included.

The establishment of the proposed office provides an opportunity to look at the bigger picture of the withdrawal of services and programs over the last decade on the opportunities and outcomes of those disadvantaged by these closures/contractions. Examples include cuts leading to the loss of 35 Aboriginal education specialist roles from the Department of Education in late 2017, including leadership roles at level 7 that were able to widely educate & influence corporate culture in the Department. These losses compounded the earlier loss of specialist education assistants in the Goldfields, the closure of the Kulunga kindy in Hilton in 2013, and the retraction in range of diversion programs for young offenders/youth at risk of entering the justice system. Within Child Protection and Family Support, the public sector has seen a widespread cessation of early intervention services provided by public servants, including programs such as Best Beginnings and Stronger Families. This has meant an Aboriginal public servant who has an interest in delivering non-tertiary services to families would need to pursue work elsewhere in order to meet this professional interest.

One opportunity is for the proposed office to take the lead in developing, or provide guiding principles and models for effective co-design of services, for Aboriginal people in Western Australia. The recent Sustainable Health Review Interim Report⁵ has undertaken some thoughtful exploration on this issue and the work of the proposed Office should build from this base.

"The biggest challenge I've seen is the loss of Aboriginal programs and positions over the last few years, including the loss of 35 Aboriginal educators in Perth and the regions in November 2017. There's now just a small pocket based in Padbury who are meant to service the whole State. These roles provided support for schools as well as

⁵ Sustainable Health Review Panel 2018 Sustainable Health Review Interim Report to the Western Australian Government.
https://ww2.health.wa.gov.au/~/_/media/Files/Corporate/general%20documents/Sustainable%20Health%20Review/sustainable-health-review-interim-report.pdf

students. Where will these schools turn now? Tendering parts of these roles does not make up the losses. The positions lost included Level 5 Coordinators of Aboriginal Education and the regional consultants, who were Level 7s. Offering Voluntary Targeted Severance Scheme (VTSS) options might assist the person in the short term but it creates gaps and losses in the roles but also in the years of experience that are lost to Education.”
 -CPSU/CSA Aboriginal Member

Aboriginal workforce development

The Australian Census data for 2016 records that 3.3% of the WA population identify as Aboriginal or Torres Strait Islander.⁶ The most recent State of the Sector Report by the Public Sector Commission identifies that people who identify as Aboriginal or Torres Strait Islander are under-represented in the State’s public sector workforces (Table 1).⁷

Table 1 Representation of Aboriginal Australians in the WA public sector workforce

Type of Authority	Representation within workforce	% change from previous
Public Sector	2.7%	(unchanged)
Local Governments	1.7%	(-0.4%)
Public Universities	0.7%	(-0.4%)
Other Authorities	2%	(+0.3%)

There is an opportunity for the proposed Office to work with the Public Sector Commission to set clear, measurable targets around equality of representation within a short but achievable timeframe. It is further noted that the population of Aboriginal and Torres Strait Islander people is one of the fastest growing demographics in the country, having grown by 19% between the 2011 and 2016 censuses. The targeted representation figure should increase over time to reflect this trend.

The concerns expressed by members in relation to the potentially career limiting outcomes from accepting section 50D roles have been addressed under the Discussion Paper section on the functions of the proposed Office. Another model worth considering is the Northern Territory model which both provides a similar function to section 50D positions, but extends the roles beyond those solely connected to welfare (eg. land management, heritage management, planning) and also includes mechanisms for advancing Aboriginal employment across all roles in the public sector with clear, measurable targets and tools to assist employers (see text box overleaf). CPSU/CSA members indicated an interest in seeing this as a research topic to inform an evidence-based approach to reviewing the current system.

⁶ Australian Bureau of Statistics 2016 Australian Census Results Quick facts

http://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/IQ55

⁷ Public Sector Commission, 2017, State of the Sector Report, Western Australian Government, Perth.

<https://publicsector.wa.gov.au/publications-resources/psc-publications/state-sector-report/state-sectors-2017/workforce/diversifying-workforce#DRAS>

In some ways, the situation has not significantly changed from that at the time of the 2002 Gordon Inquiry (*Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities*).⁸ Recommendations 194 and 195 read:

“194. The Inquiry finds there is a need for cross-government traineeships and career path progression for Aboriginal people.

195. The Inquiry finds that an increase in Aboriginal staff is required within direct service and senior positions in departments.”

In the Western Australian public sector, positions occupied by Aboriginal employees are disproportionately clustered at the lower pay levels. A 2016 report into Casuarina Prison identified that Aboriginal men were over-represented in unskilled roles delivering lower gratuity pay grades⁹.

“...we have to extend the range of career options for Aboriginal people, including in the public sector. I’ve worked in my current agency for more than a decade. Each year in my professional development plan, I’ve identified that I want to seek a degree or diploma but I have been knocked back for study leave, even with other staff have been approved. As an Aboriginal single parent in regional WA, it is really frustrating that even when universities offer programs in our region, it feels as if public sector employers don’t see our career development as important as they do other staff. It feels as if our jobs are seen as an end in themselves, not as part of a larger career. This can be soul-destroying.”

-CPSU/CSA Aboriginal Member

This raises a further opportunity for the proposed Office to set specific measurable targets for Aboriginal people to be well-represented at all levels of the public sector, rather than being clustered in entry level positions. This should also include quantitative and qualitative targets for developing and mentoring high performing Aboriginal public sector employees to proportionally fill Senior Executive Service roles. It is further noted that these targets should be applied across the sector, not simply in welfare and community development roles as per the current limits of section 50D.

Measuring equity – NT example

One key contrast between the NT and WA statutes addressing disadvantage is that the WA measures relate specifically to employment that relates to the welfare of the specific equity group being addressed, whereas the NT legislation seeks to address disadvantage across the whole suite of job roles.

The Northern Territory’s Anti-Discrimination Act includes provision for Special Measures in s 57 such that:

“(1) A person may discriminate against a person in a program, plan or arrangement designed to promote equality of opportunity for a group of people who are disadvantaged or have a special need because of an attribute.

(2) Subsection (1) applies only until equality of opportunity has been achieved.”

⁸ Gordon, S, Hallahan, K & Henry, D 2002, Putting the picture together, Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities, Department of the Premier and Cabinet, Western Australia, p. 411

⁹ Office of the Inspector of Custodial Services 2016 Inspection of Casuarina Prison. Western Australian Government, Perth

Although this appears to have been successful in increasing ATSI representation in the NT public sector from 7.3% in June 2007 to 10.5% by June 2017, there is still a long way to go for the public sector to reflect the underlying population, of which 25.5% is ATSI. The NT's Indigenous Employment and Career Development Strategy 2015-2020 sets a target of 16% indigenous employment in the sector by 2020, and 10% representation in senior executive service roles.

The NT's *Public Sector Employment and Management Act 2012* provides for two forms of special measures. The first is in relation to designated positions that can only be filled by a person from a designated EEO group. The second relates to priority consideration and preference in selection, where specific plans are developed under which applicants from the EEO target group will be considered first before all other applicants, and given preference in selection if they meet all the criteria and are suitable at level. In the discretion of the agency, priority plans can apply to specific vacancies or to all vacancies ("blanket plans"). Some agencies such as NT Health have developed blanket plans for ATSI employment.

Maintaining reform - action for recommendations

CPSU/CSA members have expressed frustration on the trend of recommendations of major inquiries being accepted by government, yet action not occurring. This frustration is particularly distinct when years later key issues are still perceived as requiring urgent reform. To continue examining the 2002 Gordon Inquiry, many recommendations related to realigning policy around service provision to Aboriginal people and have been perceived by Union members as areas of little or not enough action. Many of these recommendations have been watched closely by public servants operating within the Department of Communities.

By means of example, CPSU/CSA members, including Aboriginal public servants, still express their considerable concerns around inaction on the following recommendations (not an exhaustive list):

"38. The Inquiry endorses the increase in the funding allocated to the Department of Community Development to increase counselling, treatment and support services to Aboriginal people in both metropolitan and country areas. The Inquiry finds that there should be more clarity in the coordination of counselling, treatment and support services delivered to Aboriginal people by the various departments and a lead agency be identified for the delivery of service"

"41. The Inquiry commends the role that the Crisis Care Unit plays in providing after hours response to emergency situations in the community. However, the Inquiry finds that there needs to be a review of the resources, functions and effectiveness of the Crisis Care Unit, particularly with regard to its response times and coordination with other agencies."

"44. The Inquiry commends the joint working party between the Department for Community Development and the Community and Public Sector Union/Civil Service Association to develop a method for assessing workload to determine an acceptable caseload limit."

"139. The Inquiry recommends:

- There be ongoing monitoring of caseload by the Department for Community Development."*

The establishment of the proposed Office provides an opportunity to monitor the commitments of government that require prompt action. It is hoped that the publications

and reports drafted by the Office can refer to previous significant investments in identifying potential reforms, and continue to champion resulting recommendations. The new Office could also provide an opportunity for the Aboriginal community to hear directly from newly elected Cabinet ministers on which ongoing reforms are broadly agreed to. This could serve a valuable purpose in maintaining bipartisan reform and contributing to innovations in public service delivery.

Justice space

The Western Australian justice system is remarked upon as having one of the highest incarceration rates for Aboriginal people. The Australia Bureau of Statistics reports that Aboriginal and Torres Strait Islander people comprised 38 per cent of the adult prison population, an imprisonment rate 16 times the non-indigenous imprisonment rate¹⁰.

This is the highest rate of any Australian State and nearly 50 per cent higher than the Australian average of 27 per cent of the Australian prisoner population being Aboriginal and Torres Strait Islander people.

Aboriginal young people are 17 times more likely to be under a supervision order in the justice system in Western Australia than non-Indigenous youths.¹¹ In Australia, five per cent of Australian youths are of Aboriginal and Torres Strait Islander origin, but over 50 per cent of youths under supervision orders are Aboriginal and Torres Strait Islander youth.¹² 64 per cent of Aboriginal youth will not get cautions from the police and will be fined or prosecuted. These figures demonstrate the systemic racism affecting the justice space.

"...we need to deal holistically with the complexity of the situation Aboriginal people face and not try to partition off specific issues to address in isolation. Addressing violence, drugs and alcohol is part and parcel with economic opportunities and Native Title issues. The kids in regional towns need to be able to see a future for themselves. They are human beings. We all are."

-CPSU/CSA Aboriginal Member

CPSU/CSA members working in Education and provision of programs at facilities such as Banksia Hill Detention Centre have reported recurrent under-funding for many years. In states such as NSW and Victoria, detention centre classroom ratios are five students per teacher - while in Western Australia the ratio is usually 10 students per single educator. In addition, educators within BHDC do not receive access to education assistants for students with special needs. Public sector staff working in the Justice space have communicated a need for more professional development which addresses health concerns of inmates, such as mental health skills, de-escalation or management of Fetal Alcohol Syndrome Disorder. In addition, strategies to cope with long term underfunding, such as the adaptive regime system, regularly removes access to health services and job training for Aboriginal prisoners.

¹⁰ Australian Bureau of Statistics, 2016, 4517.0 Prisoners in Australia, 2016. Australian Government, Canberra. Available from: <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4517.0~2016~Main%20Features~Aboriginal%20and%20Torres%20Strait%20Islander%20prisoner%20characteristics~5>

¹¹ Australian Institute of Health & welfare, 2018, Youth Justice in Australia 2016-2017, Cat. No. JUV 116. Australian Government, Canberra. Available from: <https://www.aihw.gov.au/getmedia/19707990-1719-4600-8fce-f0af9d61331c/aihw-juv-116.pdf.aspx?inline=true>

¹² Australian Institute of Health & welfare, 2018, Youth Justice in Australia 2016-2017, Cat. No. JUV 116. Australian Government, Canberra. Available from: <https://www.aihw.gov.au/getmedia/19707990-1719-4600-8fce-f0af9d61331c/aihw-juv-116.pdf.aspx?inline=true>

Reform around adapting court-sanctioned orders placed on Aboriginal people has been slow and has generated frustration from external stakeholders campaigning to turn around Western Australia's record of incarceration. There has been a considerable public dialogue around the inability of members of the community to pay fines, which then leads to fine default then prison time. Despite reforms occurring interstate, such as Work Development Orders in Victoria, Western Australia has not effectively resourced adaptive reform to adapt the justice system for better outcomes for all.

Despite a number of initiatives such as the advocacy provided by the Aboriginal Legal Service, the Deaths in Custody Watch Committee, the 2016 People's Inquiry into Privatisation and many others, this has proven to be a difficult issue to gain significant traction that results in measurable change in these key statistics.

Deaths in custody and the erosion of trust

The new Office could provide a valuable potential source of reform initiatives and a contributor towards building trust in state services. The Western Australian justice system has received considerable reputational damage following the preventable death of Miss Dhu in South Hedland in 2014. This is arguably a trend that is not unique in Western Australia, as there have been 400 Aboriginal deaths in custody across Australia since 1991.¹³

Since the death of Miss Dhu, Deborah Coles, co-director of the UK charity INQUEST has raised awareness in WA around the need for independent investigations of deaths in custody. INQUEST¹⁴ describes their work as:

"...grounded in the day to day experience of working with bereaved people. This integrated approach is crucial to families, not only in making sure their voices are heard and holding the state to account for individual deaths, but also in changing policy and practice to prevent future deaths."

In addition, human rights lawyer George Newhouse has spoken publicly to ask why recommendations that follow from coroner's reports have taken so long to be implemented.¹⁵

While the CPSU/CSA is not placed to comment on the effectiveness of police internal investigations, or the political will of governments to lean into necessary reforms, it is clear that an Office could provide a critical source of accountability into internal investigations around deaths in custody, and preventable deaths of Aboriginal people generally. Work should be undertaken so any Office would have a role in ensuring repeated or necessary reforms or recommendations following a death are kept on the agenda of government if they are broadly accepted by the government of the day.

As an example of powers that could be considered, any Commissioner or equivalent role within the Office could be armed with statutory powers to collaborate and examine evidence received by a Coroner or an Inspector of Custodial Services when investigating an incident. This authority or power to observe due process could make some progress to instil

¹³ Deaths Inside - Aboriginal Deaths In Custody Database. The Guardian. 31 August 2018. Available from: <https://www.theguardian.com/australia-news/ng-interactive/2018/aug/28/deaths-inside-indigenous-australian-deaths-in-custody>

¹⁴ About INQUEST. Available from: <https://www.inquest.org.uk/about-us>

¹⁵ Davidson, H et al. People will continue to die - Coroner's deaths in custody report ignored. The Guardian. 31 August 2018. Available at: <https://www.theguardian.com/australia-news/2018/aug/31/people-will-continue-to-die-coroners-deaths-in-custody-reports-ignored>

greater trust in third-party auditing of conduct. Another possibility could be entrusting the Office with appointments to a Civilian Review Board of police or justice services. These boards have been extensively trialled in the US and if implemented independently, could provide a valuable connection between statutory officers and the community.¹⁶

The *Criminal Law (Mentally Impaired Accused) Act 1996* has been long recognised as undermining the rights of Western Australians with disabilities, especially those with mental illness, in the justice system.¹⁷ A discussion paper on the *Criminal Law (Mentally Impaired Accused) Act 1996* was released for public comment in 2014. In its submission on the Discussion Paper, the Aboriginal Legal Service notes that legislative reform alone will not achieve reform and that system-wide reform of the support and services available for people with mental health issues is needed.¹⁸

Data

“1. The Inquiry recommends that data on child sexual abuse be collected by government agencies using a methodology that allows for aggregation and illustrates pathways through the justice and child protection systems.” (p46, Gordon Inquiry)

One of the biggest challenges facing WA is in relation to the identification, collection, collation, analysis and reporting of data that enables policies to be evidence-based, and provides for the thoughtful and insightful review of statutory and policy tools. Data helps clarify and improve the transparency of government decision-making and the effectiveness of implementation.

In the context of this proposal, CPSU/CSA members have indicated they see the shortcomings in data collection and evaluation on a daily basis. Systematic collection and review of data could highlight areas of system biases and measure the impact of the measures on achieving specific, measurable goals. The independence of the Office will be a key to holding Governments accountable for the measures that have a tendency to slide out of the public eye if they do not show clear measurable positive impacts.

This is particularly relevant in the context of this proposal given that the data that would demonstrate the systemic biases or impacts of disadvantage cover multiple agencies, such as education, child health and protection, justice and aged care.

Structure and powers of the new office

CPSU/CSA members have indicated their support for the new Office to be an independent statutory body for many of the reasons addressed in the discussion paper:

- Autonomous and independent of government direction and control

¹⁶ National Association for Civilian Oversight of Law Enforcement - Reports and Publications. Available at: https://www.nacole.org/reports_publications

¹⁷ WA Association for Mental Health, and Development Disability WA, 2016, Briefing: How the 'Review of the Criminal Law (Mentally Impaired Accused) Act 1996 - Final Report' rates against the Disability and Mental Health Sectors' Five Priorities for Urgent Reform. <https://waamh.org.au/assets/documents/systemic-advocacy/reports/briefing-clmia-review-report-against-5-reform-priorities-for-web-final.pdf>

¹⁸ Aboriginal Legal Service of Western Australia (Inc), 2014, Submission to the Review of the Criminal Law (Mentally Impaired Accused) Act 1996, ALS, Perth. P3 http://www.als.org.au/wp-content/uploads/2015/01/publications_Submissions_ALSWA%20Submission%20to%20CLMIA%20Act%20DP%20FINAL.PDF

- With the ability to hold the Government to account
- Relative stability if resourced appropriately
- Less vulnerable to having the core mission and service delivery of the Office adversely impacted the government of the day
- Able to take a longer perspective than the four year electoral cycle
- Able to report directly to Parliament, not filtered by a Minister
- Able to be a strong advocate that is not compromised or constrained by service and funding agreements/ relationships as was highlighted as a concern in the report of the People's Inquiry into Privatisation.¹⁹
- Provide systemic advocacy, especially where specific instances highlight systemic concerns or issues.

CPSU/CSA members also identified some potential challenges in this structural approach, including the risk of government being able to take a “hands off” approach to the recommendations of the office, which can then become a vicious de-funding cycle rather than an adaptive learning approach.

Factors that CPSU/CSA members felt would contribute to the success of the new Office include:

- Establishing legislation with comprehensive statutory powers and with a clear mandate and guiding principles
- Transparency and accountability in its own decision-making processes
- Defined operational structure
- Provide a high level of cultural security, legitimating cultural rights, values, beliefs and expectations
- Clear outcomes-based goals, targets and timeframes
- Clearly defined advocacy that reflects not just the requirement to provide opportunities to reflect Aboriginal perspectives, but also ensuring appropriate systems exist to recognise the rights and needs of Aboriginal people and respond to them appropriately
- The ability to recommend changes to legislation, policies, practices and services
- The ability to contribute to public education and understanding of the lives and value of Aboriginal people in Western Australia
- An emphasis on accessibility and engagement

A challenge noted by CPSU/CSA members is that the most relevant Standing Committee, the Community Development and Justice Standing Committee, already has 21 areas of responsibility and specifically including Aboriginal Affairs. It is a committee of the Legislative Assembly rather than a Joint Standing Committee. In developing the structure and reporting relationships for the new Office, consideration should be given as to whether its purpose would be best served by a dedicated Joint Standing Committee, such as that for the Joint Standing Committee on the Commissioner for Children and Young People. It is noted that the Commissioner for Children and Young People was established in response to recommendations from the Gordon Inquiry. It is also noted that the Community Development and Justice Standing Committee includes Aboriginal affairs as one of its 21 areas of responsibility. Currently the Committee has only one active inquiry, as at August 2018, looking at terrorism risk in crowded public places.

Some remaining questions CPSU/CSA members have following the Discussion Paper include:

¹⁹ People's Inquiry into Privatisation, 2016, Taking Back Control: A community response to privatisation, p6.
Available from: <https://www.peoplesinquiry.org.au/report>

- What governance structure would be in place to support the office and how would Aboriginal ways of working and leading be reflected in how the office functions?
- Will there be a Board or Advisory Council?
- How will the office reflect the leadership of Aboriginal people in Western Australia?
- How will it avoid the paternalism of such structures in the past? Aboriginal CPSU/CSA members have indicated while they are cautiously optimistic about the proposed new Office, its establishment must be preceded by genuine reflection on historical errors in judgment and involve decision-making by Aboriginal people across a diverse range of communities, language and cultural groups.

One challenge is to avoid the situation that occurred when the Abbott Government established the Indigenous Advisory Council (IAC) responsible for delivering the Indigenous Advancement Strategy, which replaced around 150 local programs and activities.²⁰ This step ignored the principles of effective engagement with Aboriginal people and focused the engagement within the bureaucracy, rather than within communities. This had the unintended consequence of creating greater opportunities for funding of non-Aboriginal-driven service providers rather than self-determining local initiatives.

Consideration should be given to a supporting board structure that reflects Aboriginal cultural principles and world-views in its construction and operation, as well as transparency of engagement and provides structures and processes to enable Aboriginal-led decision-making.

Formal name of the new office

Some CPSU/CSA members felt that the name was of less importance than the functions and priorities of the office, while others communicated that the name would be a potentially powerful contributor to the office's ability to engage both Aboriginal and non-Aboriginal stakeholders.

Several members spoke of the power of a name that can briefly encapsulate the organisation's mission, in the same way that *Closing the Gap* and *Bringing Them Home* has. It was acknowledged that naming the organisation using one of Western Australia's languages could have the unintended outcome of disengaging some stakeholders. One suggestion was to use relevant languages to name regional offices (if there are any) or specific initiatives.

In reference to titles such as 'Commissioner' or 'Ombudsman', we note that the dictionary definition of the latter is "an official appointed to investigate an individual's complaints against a company, organisation or particularly a public authority".²¹ In contrast, a Commissioner is defined as "a person appointed to a role on or by a Commission".²² On this basis, ombudsman as both gendered and narrowly defined is less reflective of the breadth of the role as described in the Discussion Paper.

The CPSU/CSA has received member feedback supporting the potential name, *First Nation's Voice*, as indicative of Aboriginal value and geographical place and has also received dissent, with some members feeling that the terminology was more reflective of other cultures such as North America, or of academic activist circles. It is noted that the Uluru Statement

²⁰ Coggan, M. Budget 2014: \$534 million cut to Indigenous programs. 16 May 2014. Australian Broadcasting Corporation. Available from: [http://www.abc.net.au/news/2014-05-13/budget-2014-\\$534-cut-to-Aboriginal-programs-and-health/5451144](http://www.abc.net.au/news/2014-05-13/budget-2014-$534-cut-to-Aboriginal-programs-and-health/5451144)

²¹ <https://en.oxforddictionaries.com/definition/ombudsman>

²² <https://en.oxforddictionaries.com/definition/commissioner>

recommended establishing a First Nation's Voice enshrined into the Australian Constitution. The Uluru Statement also suggested the establishment of a *Makarrata*, (a Yolngu word relating to conflict resolution), which would be the culmination of coming together after a struggle, capturing aspirations for a fair and truthful relationship with the Australian people. Some CPSU/CSA members also expressed a strong desire to have the word "Aboriginal" in the title, to avoid the risk of erasure which may affect some of the other proposed names. The CPSU/CSA emphasises that there is a diversity of viewpoints regarding the formal name of the office, however there was consensus on the need for the name to accurately reflect the functions of the office.

Appointment process

The proposed five year term is consistent with the appointment term for similar positions in the WA public sector such as the Commissioner for Children and Young People, the Public Sector Commissioner, the Corruption and Crime Commissioner and the State Ombudsman.

Similar roles in the sector require the appointee to take an oath or make an affirmation, administered by the Governor, that he or she will faithfully and impartially perform the functions of the office and will not disclose information unless it is in accordance with the Act. It is also noted that the CYP Commissioner may be appointed for a maximum of one further five year term.

The majority view, although not a consensus view, is that the appointee should be an Aboriginal or Torres Strait Islander person who meets or exceeds the selection criteria, which should also include reference to the cultural skills and expertise that they bring to the role.

Involving a majority of senior Aboriginal public sector workers in the selection committee would be one means of ensuring high level Aboriginal input. It would also be possible to undertake a broader Aboriginal engagement process to identify key characteristics that Aboriginal people would look for and value in the role.

Member Stories

Personal perspective from an Aboriginal member in the Department of Communities

One thing that challenges me is the lack of recognition, with people looking down whether looking down on me, or on Aboriginal friends in their workplaces. Regardless of whether they have a degree of qualification, it doesn't seem to count.

I started as a hospital maintenance and handyman when I was 16 years old. It was challenging. Then at 21 I took up an apprenticeship and qualified as a painter and decorator. In the '80s I took a job as an Aboriginal Liaison Officer in a regional area. There were two of us with a lot of ground to cover. Then in the mid '90's I became an Aboriginal Development Officer, then more recently in Communities. I've had extensive experience in Indigenous politics, in community development and as a Shire Councillor.

My hope is that the new Office will have teeth. We saw the former State Government overriding the *Aboriginal Heritage Act*. We need a body with the power and strength to prevent the loss of sites.

It should also be an opportunity to strengthen the power of Aboriginal voices in decision-making. Too often it is the non-Aboriginal voices that carry the decision-making sway. Time and again in decision-making structures, there are do-gooders making decisions about who are the “right” Aboriginal people whose voices can be heard.

To do this we need to see some clear responsibilities and measurable targets that have an eye to the long-term, beyond the next funding cycle. Our dialogue and ideology in discussing Aboriginal advancement tends to be shallow. This will not contribute to Aboriginal advancement. It's time to deepen the conversation.

Part of that is having a clear socio-economic direction and getting the support structures right. Too often we see senior managers not taking advice from Aboriginal staff members seriously, disregarding their knowledge, both than drawing from their Aboriginality and their knowledge and experience in the workforce.

And we need to deal holistically with the complexity of the situation Aboriginal people face and not try to partition off specific issues to address in isolation. Addressing violence, drugs and alcohol is part and parcel with economic opportunities and Native Title issues. The kids in regional towns need to be able to see a future for themselves. They are human beings. We all are.

Personal perspective of an Aboriginal member working in a regional area

I've experienced huge changes during my life. I lived on the streets at 16, had time on employment and sickness benefits. I ran my own business for a time but then got a job in social security and the training I received was a real eye-opener, very valuable, it gave me confidence. I went from a CA1 (Clerical Assistant level 1) to a CA6, then started as an Aboriginal Liaison Officer in the mid-80s. Again, the training made a huge difference for me. And the culture in the office was quite radical. You could stand up and say: this isn't good enough, we can do better, and the staff would step up.

I pride myself that my career has been about community development, through many different roles. One of the biggest challenges I see is that there is no-one funded to act as a primary point of contact, referral and follow up for Aboriginal people. The old DAA had identified that this was a need but it had no clout.

I used to do this role, people still know me from that. Walking around the supermarket, or even bumping into the neighbours, people still ask me because in the current system there is no-one else who fills this role. One family wanted to talk to me at the weekend about getting their nephew who is in a group home out of that situation. They are proven, reliable carers and they live near a school but they are having trouble just finding the right person to talk to and make their case.

Some public sector agencies seem to have contracted out to other service providers, which can leave a very confused picture for people trying to find out who they need to talk to about a range of issues. The public sector doesn't have funded roles to meet this need. No-one funds the resource centres to do that work either. Over the last decade there has been an increasing issue with lack of staffing, especially for qualified staff, in regional areas. Those

positions that are in regions are increasingly unqualified liaison and advisor roles and the agencies are not investing in career development or staffing.

If we want to turn this around, we have to extend the range of career options for Aboriginal people, including in the public sector. I've worked in my current agency for more than a decade. Each year in my professional development plan, I've identified that I want to seek a degree or diploma but I have been knocked back for study leave, even with other staff have been approved. As an Aboriginal single parent in regional WA, it is really frustrating that even when universities offer programs in our region, it feels as if public sector employers don't see our career development as important as they do other staff. It feels as if our jobs are seen as an end in themselves, not as part of a larger career. This can be soul-destroying.

I've had a senior role in a corporation that had 38 staff and 150 CDP/CDEP workers on the books. What I saw in our trainees were three groups. There was a pool who would take any opportunities and training and just fly. Then there was a larger group who would take more time and support, sometimes up to five years to find their feet and do well. And there was also a group who might only make a modest contribution, perhaps a few hours a day cleaning the community centre, but the work they did gave them pride in their role in the community. Every one of them has a right to be valued and respected. The pay they received for their contribution meant they could pay a modest rent to the community and, in turn, those rents could pay for additional diesel for the generator, or projects such as to build a shed. The money that came in created a local economy. Without that, there's not only that loss of pride, the loss of community income means less chance to dollar match in seeking funding for larger projects. Without that local pride and economic base, people drift to larger towns.

I'd also challenge the idea that the viability of a community can be dictated by size of its economic base. If we take social value into account, who says that a community of half a dozen people is not viable if that means that for those people, staying in the community and sober for the majority of time is not a positive.

The State Government tends to back the winners, those who will take the opportunities and fly. This Office provides the chance to foster and extend the intermediates who will return the investment in them to their own and their community's benefit.

We need workers in the sector who are able to communicate with a broad section of the community. Although I've sometimes been conscious of my English skills, I feel comfortable talking with a wide range of people across the spectrum, and I think they feel comfortable with me. That's also what is needed in this new role, the ability to talk with anyone, and to demonstrate respect for everyone.

The new Office can't just operate with a few people in a central office, thinking and talking policy without connecting with the people impacted by their work. They need regionally based staff, not just FIFO. They need staff who see the value in building relationships, 'cup of tea' time, if they want to really be able to address the policy challenges. We see so many people with patronising attitudes. One organisation in our area seemed very proud to have taken on a local woman in an office admin role. Actually, she was a former office manager who was capable of running a much more complex organisation than the one she was now an admin for, yet they seemed totally oblivious.

Personal perspective from an Aboriginal member in the Department of Education

The challenge I face is being a person of colour every day of my life, how it seems to colour people's perceptions of your capabilities. I worked in HR for a company and undertook payroll for people across Australia without problems, but when I started at the Education department, this was when I felt different, perhaps labelled as a 50D position.

What has helped me in my life and career is my culture and my strong and supportive parents. They always worked hard and taught me to want to achieve more, to do my best. They supported me as I now support my kids and grandkids.

My hope for what will happen with the new office is that there will be ease of access for anybody to call on as needed, and for it to be active and getting things done. I know you can't change people's minds but I want to see some good come of this. I would like to see recognition, a highlighting and bringing to the fore and changing people's mindsets.

The biggest challenge I've seen is the loss of Aboriginal programs and positions over the last few years, including the loss of 35 Aboriginal educators in Perth and the regions in November 2017. There's now just a small pocket based in Padbury who are meant to service the whole State. These roles provided support for schools as well as students. Where will these schools turn now? Tendering parts of these roles does not make up the losses. The positions lost included Level 5 Coordinators of Aboriginal Education and the regional consultants, who were Level 7s. Offering Voluntary Targeted Severance Scheme (VTSS) options might assist the person in the short term but it creates gaps and losses in the roles but also in the years of experience that are lost to Education.

The loss of so many professional positions in one hit also has major impacts of career development. What I hear from different selection processes is that I'm seen as having experience in "Aboriginal education", not in "education". It is as if only one facet of my professional experience actually counts.

I worry for the kids. One advantage of being an Aboriginal Education Coordinator is that I saw children across the whole of their education. Some you could see would do well whatever they did. Some struggled through school and you'd worry for what they could achieve. There was one boy I worried about but he did come through and now he's a police cadet. What makes the difference is the continuity of support and particularly the family support. We needed resources to link education support and family support right from the start. Often Child Protection would come in with support in a crisis but what we wanted to achieve was avoiding the crisis in the first place to make sure family needs were identified and addressed early. It was our role to be there to support them. It all begins at home - kids need a strong home base, then they can do anything.

Specific things that could help the proposed new Office fulfil its role will be ensuring they have input from Aboriginal people. We will need new roles created to utilise the skills currently draining from the loss of positions - and keeping the passion for education.

Personal perspective of an Aboriginal woman working in the Department of Communities (Housing)

Some of the challenges I face in my role are the internal politics, the office morale and dynamics. This can include both overt and covert racism. One thing I've noticed is that public sector policies in respect to Aboriginal people can appear to be quite Perth-centric.

My hope for what will happen from this proposal is to see a change of culture, a broadening of the perspective in dealing with each other, including a shift in office culture from non-Aboriginal people. I also want to see more recruitment opportunities for Aboriginal people.

Some of the obstacles I see are the perpetuation of colonialist, paternalistic perspectives in public sector policies and in the public sector's cultural approach towards Aboriginal people.

What helps me in facing these challenges are my peer network with other Aboriginal staff. This includes networks of trust with Aboriginal staff outside my region and in other agencies.

I still have some concerns about the proposed new Office but feel that on the whole it will make Ministers and departments more responsive to the needs of Aboriginal people. The proposed new office should audit outcomes for Aboriginal people, not just in service delivery but also in addressing the needs of Aboriginal public sector staff.

Specific achievable steps they could take include pathways to higher-level and acting (in higher positions) opportunities for Aboriginal public sector workers and pathways to progress to mainstream jobs from 50D positions, similar to the system in NSW. The priority should be to make the WA public sector an 'Employer of choice' for Aboriginal people.

In terms of the name of the office, I would like to see a name that reflects the functions and purpose and doesn't just pay lip service to Aboriginal people. The person who occupies the post should be selected through a fair and equitable merit selection process. The chosen person should not be Perth-centric, they should be mindful of and have experience in working with remote communities.

Conclusion

This submission has aimed to address the focus questions posed in the Department of Premier and Cabinet's Discussion Paper, through consulting with Aboriginal CPSU/CSA members to reflect the diversity of their voices in indicating its support for the new office, whilst identifying the areas which will require further consideration in the establishment of its powers and functions.

The CPSU/CSA looks forward to further stages of consultation in the establishment of the proposed office for advocacy and accountability in Aboriginal affairs.