

update

Issue 88 • Winter 2019 •
Cultural competency: Working together with Aboriginal &/or Torres Strait Islander peoples & communities

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Cultural competency the essential foundation for working together with Aboriginal and/or Torres Strait Islander peoples and communities

By Susan Helyar, Executive Director, ACT Council of Social Service Inc. (ACTCOSS)

ACTCOSS has for the past few years dedicated our winter journal to a topic relevant to Aboriginal and/or Torres Strait Islander affairs. Our goals are to promote sharing of knowledge, encourage reflection on the responsibilities of people who live in Australia who do not identify as Aboriginal and/or Torres Strait Islander and facilitate professional growth of people working in the community sector.

This journal includes a rich mix of articles that we hope will provide new perspectives and strengthen mutual understanding. Aboriginal and/or Torres Strait Islander peoples have always prioritised dialogue and engagement, demonstrating a generosity of spirit and a commitment to mutual wellbeing from which we should all learn.

This journal is being released at the same time as there is widespread discussion about the copyright arrangements for the Aboriginal Flag. Mr Harold Thomas, a Luritja man from Central Australia, designed the flag in

1971. His design has been explained in the following way¹:

The bright colours of the Aboriginal flag are no coincidence. Harold Thomas used them deliberately "to be eye-catching in land rights protests".²

Thomas originally considered black to be at the bottom but then decided to revert the intuitive order: "I wanted to make it unsettling. In normal circumstances you'd have the darker colour at the bottom and the lighter colour on top ... To give a shock to the viewer to have it on top had a dual purpose, [one] was to unsettle ... The other factor why I had it on top was the Aboriginal people walk on top of the land."³

In the tradition of Mr Thomas, I trust this edition of our journal is attention grabbing, both unsettles and inspires our readers and presents Aboriginal issues for top-of-mind consideration.

See page 17 for footnotes.

Cultural competency at Beryl Women Inc.

By Robyn Martin, Manager, Beryl Women Inc.

Beryl Women Inc. is committed to maintaining cultural diversity within the team of employees. Beryl is also committed to addressing cultural issues that emerge on a worker level and client level.

Positive discrimination applies in our employment practices. The Manager's role is an identified position for an Aboriginal and/or Torres Strait Islander woman. Of the six permanent positions, two are identified Aboriginal &/or Torres Strait Islander positions. We aim to fill four of the positions with either Aboriginal or Torres Strait Islander women; now we have three Aboriginal women employed within the service.

The service is committed to employing staff that reflect the clients accessing the service. We have a strong reputation within the community that is built on trust and understanding although we are a 'mainstream' service provider.

There have been instances when we have had to 'think outside the box' in terms of recruiting Aboriginal and Torres Strait Islander staff. We have held community forums where interested women have attended to inform them about working at Beryl, sharing information that will assist in writing applications for employment. On every occasion we have been successful in filling vacancies through this process.

Beryl has long supported reconciliation. Although we have never had a Reconciliation Action Plan, we believe our practices across all areas of the service demonstrate reconciliation in practical ways. The service works through a cultural lens, as we believe that if it meets the needs of Aboriginal women/staff, it will meet the needs of everyone within the service regardless of whether it relates to staff or clients.

This reconciliation is embedded in our practice on a daily basis in relation to staff, service provision and within the community sector.

Mentoring and coaching Aboriginal staff is a priority within the organisation. When recruiting for vacant positions, particularly identified positions, it's not always possible to recruit a woman who has all the requirements for the position, and that's OK – we will make the decision to employ with the knowledge that 'we are going to put the time in' to training, mentoring and coaching women over a longer

period of time to ensure that she has the skills needed to do the job required.

Mentoring happens informally within the service as well as formally.

Our Board of Directors also reflects the make-up of staff and clients and are very supportive and active in ensuring that cultural diversity filters from the top down to all levels of the organisation

The service has a clear understanding of commitments and obligations around Sorry Business. This can be in relation to family or community obligations, and flexibility around leave requests is practiced as we know our community/family members are dying at least 17 years younger than non-Indigenous people. Having flexible leave arrangements in place allows Aboriginal staff to attend Sorry Business when required, with the knowledge their jobs are safe.

The service undertakes cultural competency audits specific to Aboriginal and Torres Strait Islander peoples and has implemented a number of changes that ensures the service is culturally appropriate, the service is committed to continuous improvement in relation to cultural competency, knowledge and skills, as well as ongoing development.

The service factors all major cultural events in their planning. Clients are encouraged to attend, as the school holidays in winter fall during NAIDOC Week, these events are also factored into our school holidays program. All children and women attend these events alongside staff.

Cultural leave is available to all workers, which consists of three days paid leave for events that are of particular significance to the worker. More time off can be negotiated if Aboriginal staff need to attend to Sorry Business or other community obligations. Beryl Women Inc. recognises NAIDOC Day (Koori staff only) – this is a public holiday for Aboriginal staff.

We have established relationships with Aboriginal organisations as well as Aboriginal staff in mainstream services that benefit clients in terms of accessing their services. Aboriginal clients are informed of what services are in the region. Access and networking are encouraged with women coming from other areas; staff will often introduce

the client to these services. Some clients do not want to access these services for fear of breaches to their confidentiality. All clients are given the information around specific services within their cultural backgrounds and it's their choice which services they choose to access.

All staff work with all clients; however, the service promotes diversity and another way of doing this is through the weekly group activities which encourage cross-cultural relationships and building trust. Non-Indigenous clients working with Aboriginal staff promotes positive images and assists with dispelling negative stereotypes and myths that many of the non-Indigenous community have of Aboriginal and/or Torres Strait Islander peoples.

Conversations occur randomly or are scheduled to discuss issues that are prevalent to Beryl remaining culturally competent in terms of supporting Aboriginal and Torres Strait Islander staff and clients which relate to white privilege, racism and discrimination.

Educating non-Indigenous staff and clients happens on a daily basis. Mostly this is through random conversations, whether over lunch or at meetings or client gatherings, and at times becomes part of our case management practices. Sharing our culture raises awareness and creates greater understanding of our issues and histories that most non-Indigenous women/people are unaware of.

The service has developed an environment of learning and passing on knowledge. This has not been a planned process but has evolved over time. The service respects diversity/differences and commonalities within all cultures; it's empowering to share cultural information with other staff and clients.

The service also acknowledges the Traditional Owners at each business meeting, recognising that we live, work and carry on our daily lives on traditional Ngunnawal land.

Beryl Women Inc. is a culturally safe workplace. Diversity is embraced and celebrated. Aboriginal staff are accepted for who we are; we are respected, our knowledge and experiences are listened too, we are not a minority within the workplace, and we are supported by each other as well as the other team members and our Board of Directors.

Beryl Women Inc.:
beryl.org.au



ACTCOSS journal: Winter editions

Each year, the winter edition of the ACTCOSS journal Update has an Aboriginal and/or Torres Strait Islander theme.

We encourage you to contribute and share an article relating to the theme.

Previous winter editions included:

- [Issue 84, Winter 2018: People with disability: Aboriginal & Torres Strait Islander perspectives](#)
- [Issue 80, Winter 2017: What is the impact of white privilege in Canberra?](#)
- [Issue 76, Winter 2016: Working with Aboriginal & Torres Strait Islander peoples & communities](#)
- [Issue 72, Winter 2015: Respectful relationships with Aboriginal & Torres Strait Islander peoples](#)

The journal is available to over 500 subscribers through our Weekly Community Sector eNotices, plus we email the journal directly to over 200 community organisation members and associate members, and community sector officials in ACT Government directorates. We also post hard copies to politicians (ACT MLAs, Federal Ministers and Senators). Additionally, hard copy journals are distributed at ACTCOSS events and training.

Find out how you can contribute to the ACTCOSS journal: actcoss.org.au/publications/quarterly-journal-update

Please see the back of this journal for the call for contributions for the spring edition of the journal.

Contact: suzanne.richardson@actcoss.org.au



we play



we learn



we belong

Images supplied courtesy of Little J & Big Cuz



We Play, We Learn, We Belong
Learning in the early years – at home, in community, and through school and kinder – ensures our little ones get the best start in life.

www.aboriginalchildrensday.com.au



Legal services

Perspectives on providing culturally competent legal assistance to Aboriginal and Torres Strait Islander people

By Stefanie Flowers, Intern – Criminology Student, and Leah House, Case Worker – Mulleun Mura Aboriginal and Torres Strait Islander Women’s Access to Justice Program, Women’s Legal Centre ACT (WLC)

What does cultural competency mean?

Cultural competency requires being genuinely conscious of your own world view as but *one viewpoint* and appreciating cultural diversity by actively acquiring knowledge of others’ world views and cultural practices.

Gaining cultural competency ensures you can communicate and interact with someone else from a different culture effectively.¹ You can then jointly plan towards an outcome together, like towards resolution of a legal problem.

Developing cultural competency is time consuming, which is perhaps why some people struggle with it. As Australia is one of the most multicultural countries on earth², and its Aboriginal and Torres Strait Islander people are amongst the oldest cultures worldwide³, it is important that we all take time to consciously develop our cultural competency.

When working with Aboriginal and Torres Strait Islander peoples, we need to develop deeper understanding of cultural norms and differences and learn how to respectfully become involved with Aboriginal people and communities in their immense diversity across Australia.

Recognising the history, culture, and distinct rights of Aboriginal and Torres Strait Islander

peoples, and very actively involving these in the design, development and distribution of policies and programs relating to them, including, of course, the provision of legal services, is imperative.⁴ Acknowledgement of the historically discriminatory treatment of Aboriginal and Torres Strait Islander people⁵, and the lasting trauma experienced as a result of invasion and colonisation, is also vital.

Understanding the lived experiences of many Aboriginal and Torres Strait Islander peoples and considering how to adapt the service to accommodate clients’ experiences is critical in ensuring a service is culturally competent.⁶ Figuring out ‘how’ requires placing Aboriginal and Torres Strait Islander people in leadership positions when designing services.

Recognising communication practices differ between cultures is immensely important also. When working ‘on the front line’, some practical suggestions for improved interactions between legal professionals and clients include taking simple steps like:

- Use plain English (not jargon) when explaining matters
- Use non-leading, open-ended questions to draw the story from the person in their own way and time. Let conversations flow naturally from the outset

- Avoid repeated interjections and asking too many direct questions. Avoid repeatedly asking questions starting with ‘what’, ‘when’, and ‘why’. This can help clients to convey their information to you more easily and accurately
- Try following up any of your (necessarily) very direct questions with non-leading, open questions, which also allows the client to tell the story in their own way.⁷

What happens when cultural competency is not present and how can we address this in legal service organisations?

In an organisation where cultural competency is not present, the client may feel isolated, confused, scared and underconfident that they will receive genuine help. Also, information conveyed may be inaccurate or lacking due to miscommunication, stress or distrust.

Common mistakes that affect clients include:

- Failing to consider who, or how many people, the client is comfortable talking with
- Limiting the time within which a client may tell their story
- Using leading direct questions, this may sound aggressive, causing the client to feel

confused and that they need to satisfy what you want to hear

- Disrespecting cultural norms, for example, regarding gender and age (consider for example whether the client will disclose information to both women and men)
- Making the client feel ashamed by the differences their stories represent (feeling judged about cultural practices, for example).

Another difficulty able to affect communication between clients and legal professionals is health-related issues. By way of straightforward example, the prevalence of hearing loss amongst Aboriginal and Torres Strait Islander peoples, which may be undiagnosed or untreated, can create difficulties for people attempting to communicate using legal terminology or when talking about unfamiliar legal processes.⁸ Similarly, many Aboriginal and Torres Strait Islander people are affected by trauma (intergenerational or otherwise) and many legal professionals lack adequate knowledge of how to implement trauma-informed approaches in their legal service provision. Training to implement trauma-informed approaches is available from organisations such as Blue Knot Foundation and can assist to improve service provision.

Organisations often engage in symbolic one-off presentations by an Aboriginal and Torres Strait Islander guest speaker in attempts to boost cultural competency. While using a guest speaker is a beneficial starting point, a properly structured and resourced approach is preferable.⁹ It is important that organisations do not just give staff the feeling they are just 'ticking off' requirements but are working on a long-term

goal of changing non-Aboriginal employees' ingrained thought patterns for the purpose of improved service provision.

While one-off training may start people talking, it is necessary to follow up to 'keep the conversation alive' throughout the organisation. An important aspect that organisations often ignore is that all staff should attend cultural awareness training, rather than just those who primarily work with Aboriginal and Torres Strait Islander clients. For example, intake staff need to ensure clients feel comfortable and safe from the outset. A further issue is that services may be ignorant of the types of complex situations and issues Aboriginal and Torres Strait Islander clients are dealing with daily; learning about these issues can help the design of more implementable legal solutions. Dedicated building of cultural competency can also assist to shift employees away from 'thinking in myths' (such as the oft quoted "*I know Aboriginal people don't really like to be looked straight in the eye*") and toward thinking about cross-cultural service provision in an educated, useful way.

Implementing cultural competency half-heartedly can induce its own set of challenges. For example, while employing Aboriginal and Torres Strait Islander staff members can be extremely beneficial for clients, some organisations fail to employ enough Aboriginal and Torres Strait Islander staff members, thinking one person can simply 'wear many hats'. The employer may expect the Aboriginal and Torres Strait Islander employee to take on all Aboriginal and Torres Strait Islander clients plus provide cultural assistance to a range of non-Aboriginal staff. Aboriginal

and Torres Strait Islander staff often burn out due to being overwhelmed by the technical density of various client situations, particularly in the legal field, plus expectations they can somehow improve cultural competency across the service. Furthermore, failing to adequately implement culturally safe practices can mean that fundamental cultural and human rights for Aboriginal and Torres Strait Islander clients may not be met by an organisation.¹⁰ This places enormous pressure on Aboriginal and Torres Strait Islander staff of that organisation to explain to their communities the workplace's shortcomings.

While cultural competency is an achievable goal, it must be understood that an occasional seminar on cultural competency is not a strong enough response to address the broader issues. It can be difficult to instil cultural competency because it is a multifaceted and specialised area like many others, and without proper training and ongoing organisational commitment achieving it will not be possible. Undertaking cultural competency training and updating skills regularly encourages critical reflection of one's own cultural biases and assumptions. Poorly implemented cultural competency efforts risks causing 'othering' of non-white individuals¹¹, which needs to be attended to by strong leadership and dedication to building cultural competency in all parts of the workplace.

How does WLC implement cultural competency?

WLC's Aboriginal-led access to justice program, Mulleun Mura, is a free service that offers culturally appropriate support with justice issues. Through

teamwork directly informed by Aboriginal professionals' voices, we work to engage and build strong, meaningful relationships with our Aboriginal and Torres Strait Islander clients and communities in the ACT and surrounding region.

The practising principles of Mulleun Mura are centred around empowering our clients in a culturally appropriate way. Clients are not expected to come to the office, instead we will make house calls, as some clients are unable to travel, but also because clients are more likely to feel comfortable discussing personal matters in their homes. Clients may find it confronting to walk through a legal service door and face the actions needed to rectify complex issues, and this is accepted. We also recognise it can be difficult to implement advised actions due to bonds and obligations with respect to other people within the community, and this is understood. There are no time limits placed on appointments.

When clients choose to visit our centre, we have created culturally appropriate spaces and literature for clients to read, adorned the office space with Aboriginal and

Torres Strait Islander artworks, photographs, and information on Aboriginal and Torres Strait Islander led services. We ensure we avoid interrupting client meetings, encourage clients' support people to attend, allow clients to select the worker that suits their needs wherever possible and give ample time to share stories (whether or not they are relevant to the legal issue in question).

It is vital that we connect with our clients and this entails ensuring not only the client's immediate comfort but also establishing a level of trust. Mulleun Mura Case Manager Leah House emphasises that client confidentiality is top priority, particularly as Canberra is a small community where 'everyone knows everyone else'. If a staff member cannot be trusted, clients will not use the provided programs or advice. Creating bonds in a caring, judgement-free setting is also essential, as clients are more likely to open up and tell their story.

We also work collaboratively with skilful Aboriginal professionals across a range of organisations including shelters, Legal Aid, and Aboriginal Legal Services. Ensuring

organisations build relationships and networks and work towards clients' goals, sharing information as required but respecting confidentiality, and respecting and valuing individual input, are key aspects of culturally competent service delivery at WLC. Teamwork is vital; it is typically not possible to leave one individual professional to sort through what are often difficult cases presenting with intersecting, complex legal and non-legal issues.

WLC continues to learn how to develop its cultural competency, led by Aboriginal women in the Canberra community. We are open to your feedback – please contact us on 02 6257 4377 if you'd like to talk with us or assist our work.

See page 17 for footnotes.

Women's Legal Centre ACT:
womenslegalact.org



Our Voice : Our Truth good governance through strong leadership

Friday, 5th July 2019, National Museum of Australia

Kick off NAIDOC Week in Canberra with Our Voice : Our Truth, a symposium presented by the Australian Indigenous Leadership Centre and the Australian Indigenous Governance Institute.

This is an event not to be missed, with keynote speakers and expert panellists from across the country, followed by a networking event complete with live entertainment in a stunning lakeside venue.

Find out more & register: <https://ailc.org.au/naidoc-symposium/>

Family Drug Support – towards cultural competency

By Kathy Bingham, Project Worker, Family Drug Support

Family Drug Support (FDS) was founded in 1997 by Tony Trimmingham following the loss of his son to a heroin overdose. FDS is a non-religious organisation which provides non-judgemental, non-directive support and information to families and friends of substance users across Australia. FDS services include 24hr telephone support, family support courses, local support meetings and resource material.

FDS's journey in becoming a culturally competent organisation grew organically over the past few years. It derived through identifying the changing landscape of Australian families and the need to effectively support them, while staying respectful to their culture, traditions and practices. As we know, Australia is one of the most multicultural countries in the world and as workers in the community, welfare and social service fields, engaging with people from diverse backgrounds is a normal part of our daily lives. Therefore, it is vital that our organisations reflect a culturally sensitive and competent ethos and delivery standards.

At FDS, our staff and volunteers are committed in providing culturally competent ethnorelative support for all families. This commitment is further reinforced through our policies and procedures, training and community partnerships. We believe that knowledge and understanding around diverse cultures and practices not only attains optimal support and outcomes for families, but is the key in achieving sector success.

In our journey towards cultural competency, FDS provided the staff and volunteers with cultural engagement and awareness training which highlighted essential topics such as cross-cultural communication, addressing stereotypes, unconscious bias and discrimination. The benefits of this training have seen organisational innovation, a deeper appreciation and understanding of

diverse cultures and has enhanced networking relationships, as well as made FDS an employer of choice. Our training also acknowledged the past and current pain, suffering and injustices experienced by Aboriginal and Torres Strait Islander people, and acknowledged the Aboriginal and Torres Strait Islander people as the traditional custodians of the land. It also fostered respect for the cultural heritage, customs and beliefs of all Indigenous people. Our Reconciliation Action Plan also focuses on relationships, respect and opportunities to promote, support and consult with Aboriginal and Torres Strait Islander communities.

FDS is committed to working with professional organisations and forming constructive partnerships and would like to invite any Aboriginal and Torres Strait Islander services or communities looking to work collaboratively in providing better outcomes for families impacted by substance use to please contact us via phone on 02 4782 9222 or email admin@fds.ngo.org.au.

In parting, I would like to tip my hat and give a hearty rebels yell to all organisations and individuals committed to being culturally aware and competent... only together, walking hand in hand, will we have a brighter and safer future for all.

Family Drug Support:
fds.org.au



Developing a culturally safe workplace

By Belinda Kendall, Managing Director, Curijo Pty Ltd

Curijo is a majority Aboriginal owned and controlled company headquartered in Canberra providing high-quality offerings around Aboriginal affairs and mainstream services including consultancy, strategic insights and capability. We strive to achieve recognition, reconciliation, opportunity and inclusion through quality and authentic practices which are culturally safe.

At Curijo, we believe that cultural competence is not something that you ascertain with a one-day training course or attaining a certificate. We acknowledge that those experiences contribute to becoming culturally aware and appreciative and that this plays an integral part of the process. Cultural competence is a lifetime journey of opening up to new knowledge and skills through cultural respect and understanding. It is an ongoing process which allows for new cultural experiences, interactions

and developing an appreciation of Aboriginal and Torres Strait Islander diversity through ongoing relationships and sharing stories.

At Curijo, our vision is to be the Aboriginal professional services company of choice. Our purpose is that we are trusted, relationship based and provide high quality solutions tailored to clients' needs via a two-way learning philosophy. We continuously try to achieve or values of recognition, reconciliation, opportunity and inclusion, quality, authenticity and culturally safe practices.

We believe that our values inform our approach which is underpinned by trust and mutual respect. We approach all facets of our business in a strength-based approach which enhances positive relationships and connections. This allows for all key stakeholders to feel valued and important, allowing for shared vision, ideas and ownership. In order to have a work environment

where there is cultural respect and understanding, we foster and encourage a two-way learning philosophy where all employees, clients and community members feel valued and respected, and opportunities are provided to learn from each other.

As an Aboriginal business, we aim to have a culturally inclusive work environment that is supportive of all cultures and values diversity. Each of our employees brings a rich cultural background which can positively impact on the high quality work which we deliver.

Recruiting, supporting and retaining Aboriginal and Torres Strait Islander employees

For a business or organisation looking to improve their workplace to achieve a higher level of cultural understandings, we would always suggest the following to recruit, support and retain Aboriginal and Torres Strait Islander employees. A culturally safe workplace would include valuing diversity and cultural differences through having the following:

- Reconciliation Action Plan
- Aboriginal and Torres Strait Islander employment strategy
- Buddy system
- Ongoing cultural awareness training
- Cultural supervision.

These strategies or approaches are some of the ways in which a culturally safe work environment can be developed, although



Curijo Board of Directors (left to right), Tina McGhie, Bel Kendall and Darren Schaeffer are committed to a two-way learning philosophy that promotes a culturally inclusive workplace.

there are also many more and it is fundamental to implement plans and programs to embed culturally safe practices.

To effectively design, develop and implement the above, it is also important that workplaces and employees have a true understanding of Aboriginal history in Australia and acknowledge that Aboriginal and Torres Strait Islander people are the first people of Australia so they can truly embed culturally

safe and respectful practices in the workplace. In order to move forward in the spirit of reconciliation, it is important to know where we have come from and how past policies and history still has detrimental effects on Aboriginal and Torres Strait Islander peoples today as we work to become more self-determined.

We offer a range of professional services to assist with helping businesses and organisations

to become more culturally appropriate. For more information, please visit our website at curijo.com.au or call 02 6285 4802.

Curijo Pty Ltd:
curijo.com.au



Share Our Pride: Take the journey

Reconciliation Australia's 'Share Our Pride' website will give you a glimpse of how life looks from an Aboriginal and Torres Strait Islander perspective.

Share Our Pride is designed to take you on an awareness-raising journey. It works through material in a certain order so each chapter builds on the last. You'll get a taste of traditional cultures and learn about our shared history.

Start your journey here
shareourpride.reconciliation.org.au



The following extract is reproduced with permission from Reconciliation Australia.

Respectful Relationships – 10 Top Tips

Research has found that any policies for Aboriginal and Torres Strait Islander communities should be based on evidence of what works, supported by strong research into how it works and why.

The numerous reports, studies and research papers published over the years outline clear and repeated principles that can guide successful Aboriginal and Torres Strait Islander programs and policies.

Reconciliation Australia has identified ten ingredients for successful Aboriginal and Torres Strait Islander policies and programs:

1. Genuine engagement with communities in talking about, developing and implementing policies.
2. Active and well-supported Aboriginal and Torres Strait Islander led decision-making in program-design.
3. Grass-roots, bottom-up approaches that knit together local knowledge within a national framework.
4. Local and region specific programs that are tailored to the needs of particular communities rather than "one size fits all" approaches.
5. Investment in and support for local Aboriginal and Torres Strait Islander leadership.
6. Long-term investment in strengthening communities at a local level to decide and manage their own lives.
7. Programs and policy approaches that are geared towards long-term achievements.
8. Real investment of dollars and people based on need and ongoing support for programs that work.
9. Regular and independent public evaluation of programs and policies to make sure we learn from mistakes and successes.
10. Co-operative, cross sector approaches which reduce the burden of duplication and red-tape on community organisations.

The need for a settlement between the ACT Government and the Traditional Owners of the ACT region

By Ed Wensing (Life Fellow) MPIA FHEA, PhD Scholar and Honorary Senior Lecturer,
National Centre for Indigenous Studies, ANU, ACTCOSS Associate Member since 1973

The Aboriginal peoples of Australia have owned and occupied these lands for over 65,000 years, possibly 80,000 years. They have the oldest living culture on Earth, the oldest continuing system of land tenure in the world, and, in all likelihood, also the oldest continuing system of land use planning and management in the world. Aboriginal and Torres Strait Islander peoples are continuing to assert their ongoing presence, connection to and responsibilities for their traditional country. It is inherent in their culture and an integral part of who they are and their wellbeing for present and future generations. Aboriginal and Torres Strait Islander peoples' knowledge, culture and traditions should therefore be seen as a gift to all Australians and not as a hindrance.

The uncomfortable truth is that in Australia, the consent of the Aboriginal peoples was neither sought nor given when possession of the land was taken by the Settlers for the Crown from 1788 onwards. Until the High Court of Australia's decision in *Mabo v State of Queensland (No. 2)* (1992), the generally accepted legal position was that at the moment when the Crown acquired sovereignty over land in Australia, all land became the property of the Crown. Prior to *Mabo (No. 2)* the legal imaginary of *terra nullius* enabled the creation of a property system as if the pre-existing land rights and interests of the Aboriginal and Torres Strait Islander peoples simply did not exist.

Canberra is the city that Federation created because the six States could not decide which of their existing capital cities could be the nation's capital. The debate was driven by interstate rivalries and parochial self-interest, with New South Wales (NSW) and Victoria as the principal protagonists. So, the States decided to create a separate federal territory free from the political or commercial domination by any of the existing States. Section 125 of the Australian Constitution states that the Seat of Government of the Commonwealth will be determined by the Parliament, within a territory to be acquired by, be vested in and belong to, the Commonwealth. The territory shall be in NSW and shall be granted to the Commonwealth without any payment.

The selection of a site went through several rounds before a site on the Southern Tablelands – Monaro district of southern NSW was selected and handed over to the Commonwealth in 1911. But the origins of Australia's capital cities cannot be divorced from the origins of the colonial settlement of Australia. In every location that is now a major Australian city or urban settlement, colonists were met with resistance by local Aboriginal people, the histories of which are well documented.

Canberra is situated on the lands of the Ngunnawal people. The stark reality is the First Nations peoples of the Canberra region have suffered the injustice of having their land taken from them without their consent. This was done without a treaty and without compensation. These matters are yet to be resolved.

The deep-seated issues of sovereignty, self-determination and the need for a political settlement can no longer be ignored or denied. The settlement could be a treaty or some other kind of negotiated agreement between the Aboriginal peoples on whose ancestral lands the ACT is situated and the people of the ACT represented by the ACT Government. A settlement must not only be seen as an outcome of the negotiations between the parties, but also as a process of reconciling longstanding grievances and injustices and rebuilding the relationship based on mutual respect, parity and justice. A process for addressing past wrongs provides a legitimate basis for the parties to transform the relationship between the people of the ACT and the Traditional Owners on whose ancestral lands the ACT is situated, and begin the healing process.

Australia has never formally come to terms with the reality of Indigenous peoples' laws and customs and has never dealt fairly with them about the loss of their lands. Australia has also not developed a mutual understanding of the basis on which coexistence could occur. A significant component of any settlement must be land justice. This is where the international human rights framework and recent national events in Australia come into play. Especially, the United Nations

Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Uluru Statement from the Heart.

The UNDRIP may not be a direct source of law, but it was adopted by the UN General Assembly, it was compiled in consultations with, and the support of, Indigenous peoples worldwide. The UNDRIP expresses rights and by doing so, it explains how Indigenous peoples want nation states (and others) to conduct themselves about matters that may affect Indigenous peoples' rights and interests.

The *Uluru Statement from the Heart* emerged from three days of intensive negotiations at the Indigenous National Constitutional Convention held at Uluru in May 2017 and in which the United Ngunnawal Elders Council participated. The Statement is a declaration to the Australian people and was deliberately intended to engage our hearts and minds, a moral challenge to hear the First Nations peoples' voices, to pause and reflect on the grievances that have been inflicted upon them, and to commence the healing process. We, as a

nation, need to come to terms with the significance of the Statement, not only as a declaration of sovereignty, but also as a way toward finding a settlement. It calls for a Makarrata and a Makarrata Commission. 'Makarrata' is a Yolngu word from north-eastern Arnhem Land sometimes translated as 'things are alright again after a conflict' or 'coming together after a struggle'.¹

We need to shrug off our inheritance of denial and dispossession, our lack of political will and refusal to make a long-lasting commitment to justice for the First Nations peoples of Australia. The truth is that we have failed the First Nations peoples of this region in the past. We can, and should do better, because continuing failure in this space is no longer an option.

I will have more to say about this in a forthcoming Discussion Paper.

See page 17 for footnotes.

NAIDOC Week 2019: 7-14 July

NAIDOC celebrations are held around Australia each July to celebrate the history, culture and achievements of Aboriginal and/or Torres Strait Islander peoples. The week is a great opportunity to participate in a range of activities and to support your local Aboriginal and/or Torres Strait Islander communities.

The focus city for 2019 is Canberra. The 2019 National NAIDOC Awards Ceremony will be held in Canberra on Saturday 6 July 2019.

The National NAIDOC Committee invites all Australians to walk with Aboriginal and/or Torres Strait Islander peoples in a movement of the nation for a better future.

The 2019 theme: Voice. Treaty. Truth. were three key elements to the reforms set out in the Uluru Statement from the Heart. These reforms represent the unified position of First Nations Australians. The theme acknowledges that Aboriginal and/or Torres Strait Islander peoples have always wanted an enhanced role in decision-making in Australia's democracy. The theme also aims at highlighting our various First Nations' desires for lasting and effective

agreements such as Treaties – which cannot be achieved unless we have a shared, truthful understanding of the nature of the dispute, of the history, of how we got to where we stand.

Local community celebrations during NAIDOC Week are encouraged and often organised by communities, government agencies, local councils, schools and workplaces.

NAIDOC Week events

Thought about organising a NAIDOC event? A few suggestions about how you can celebrate can be found on the NAIDOC website: naidoc.org.au

The **Canberra and District NAIDOC Aboriginal Corporation** will host the Canberra and District NAIDOC Awards Ball at the Arboretum on Saturday 29 June (tickets sold out) and the ACT NAIDOC Family Day at the University of Canberra on Sunday 7 July. More: facebook.com/naidocACT

Looking for more events in Canberra? Check out the events calendar the ACTCOSS Gulanga Program has put together: actcoss.org.au/naidocweekcalendar2019



NAIDOC WEEK 2019

COMMUNITY CELEBRATION

JOIN US AS WE CELEBRATE THE VOICES

OF LOCAL ABORIGINAL AND TORRES STRAIT ISLANDER

PEOPLE.

THE STORIES OF OUR FIRST PEOPLES; THE STORY OF AUSTRALIA



VOICE TREATY TRUTH

07 - 14
JULY 2019

Let's work together for a shared future.

A FREE day of fun for everyone with live music performances, displays, children's art/craft workshop, stalls and more.

Lunch provided

WODEN TOWN SQUARE

TUESDAY 9 JULY/ 11AM—2PM

PROUDLY HOSTED BY:





Gulanga Program: Services & resources for your organisation

The Gulanga Program supports ACT community organisations to develop and improve upon good, culturally appropriate practice. The program employs Aboriginal and/or Torres Strait Islander workers and assists organisations to better engage with Aboriginal and/or Torres Strait Islander peoples and their families to access the services that will best meet their needs.

Resources and Tools

We develop free resources and tools to assist your organisation to improve upon practice and engagement with Aboriginal and/or Torres Strait Islander peoples and their families. See next page for a current list.

COMING SOON! Aboriginal and/or Torres Strait Islander Attraction and Retention Self-Assessment Tool

The Attraction and Retention Self-Assessment Tool is designed to help you think holistically about how to seek, engage, employ and retain Aboriginal and/or Torres Strait Islander staff within your organisation.

Learning and Development

We coordinate workshops and seminars to assist you with improving your knowledge and understanding of Aboriginal and/or Torres Strait Islander peoples and their cultures.

Events

We organise local events individually or in partnership to celebrate dates of significance to Aboriginal and/or Torres Strait Islander peoples and their communities such as NAIDOC Week, Reconciliation Week, the Anniversary of the Apology, and more. You're welcome to come along.

Tailored Support and Engagement

The Gulanga Program also:

- Provides support to organisations and their staff on a wide range of issues such as good practice standards, peer support and mentoring
- Engages with Aboriginal and/or Torres Strait Islander staff working in the community sector through networks and one-on-one
- Coordinates and participates in networks, consultations and working groups
- Develops partnerships with the community sector, the Aboriginal and/or Torres Strait Islander community and other agencies.

Interested in Gulanga resources and services? Please contact us!

Website: actcoss.org.au/gulanga

Phone: 02 6202 7200

Email: gulanga@actcoss.org.au

Address: 1/6 Gritten Street, Weston ACT 2611



Resources & Tools

Cultural Awareness Self-Assessment Toolkit

A set of good practice standards to assist community service organisations improve the quality of their services to Aboriginal and/or Torres Strait Islander clients and communities and to strengthen the organisation's knowledge and understanding of Aboriginal and/or Torres Strait Islander cultures.

Men's Resource Booklet

Canberra Region: Aims to support Aboriginal and/or Torres Strait Islander men and their families, and the agencies supporting Aboriginal and/or Torres Strait Islander men in the Canberra region, by raising awareness of available services in the area. It also includes topics such as researching your family and helplines.

Options for Our Community: Housing, Accommodation, Respite and Support in the ACT

Aims to raise awareness of housing, accommodation, respite and support services in the Canberra region and to engage Aboriginal and/or Torres Strait Islander peoples and their families to access those services.

ACTCOSS quarterly journal, Update – Winter editions

Each year the winter edition has an Aboriginal and/or Torres Strait Islander theme. The 2019 Winter theme is: Cultural competency: Working together with Aboriginal and/or Torres Strait Islander peoples & communities.

Cultural Resource for Community Sector Workers

Provides basic information relating to Aboriginal and/or Torres Strait Islander peoples and their communities. Can be used as a guide to start further research and conversation.

Gulanga Activity Book

Aims to assist organisations with supporting Aboriginal and/or Torres Strait Islander families. The activities can assist you to connect with Aboriginal and/or Torres Strait Islander young people and their families.

Reconciliation Calendar Poster

Reflects on Australia's shared history and maps events that have helped shape the reconciliation journey for Aboriginal and/or Torres Strait Islander peoples and the wider Australian community.

Gulanga Good Practice Guides

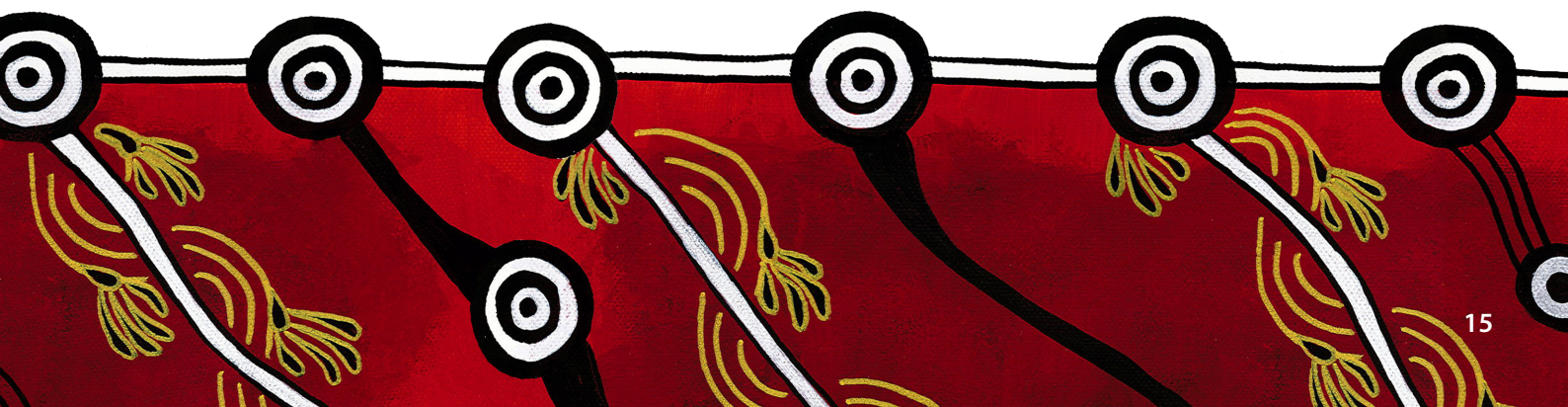
Each guide aims to assist organisations to implement and embed good practice when working and engaging with Aboriginal and/or Torres Strait Islander peoples.

Perpetual Calendar for Reconciliation and Health

Supports community organisations to celebrate the diversity of Aboriginal and/or Torres Strait Islander cultures and peoples and their ongoing contribution to this nation. It also contains a health tip for each month.

Find these free tools and resources online at actcoss.org.au/gulanga

The Gulanga Program is supported by funding under the National Affordable Housing Agreement (NAHA), which is jointly funded by the ACT and Australian Governments, and the Child, Youth and Family Services Program (CYFSP), an ACT Government funded initiative.



Learning & development calendar 2019

Training / Forum	Date / Time	Cost: Member / Non-member / Corp. or Govt.
Reconciliation		
Reconciliation Peer Network Facilitated by ACTCOSS	5 Sep, 7 Nov 10am-11.30am	Free
Aboriginal Cultural Awareness Training Facilitated by Koorimunication	13 Aug 9.30am-4.30pm	\$300 / \$330 / \$360
Strategic Indigenous Awareness: To Understand Our Present, We Must Understand Our Past Facilitated by Grant Sarra Consultancy	TBC Aug 9.30am-4.30pm	\$300 / \$330 / \$360
Cultural Awareness on Country Tour Facilitated by Richie Allan, TOAC	TBC Nov 9am-4pm	\$540 / \$600 / \$660
Justice Connect Not-for-Profit Law Series		
Session 1: Governing a Community Organisation	29 Aug 9.30am-12.30pm	\$220 / \$250 (one session)
Session 2: Social Media & The Law	29 Aug 2pm-5pm	\$400 / \$450 (both sessions)
Building Better Boards		
Session 1: Board Governance & Strategy Facilitated by ACTCOSS	TBC Nov 9.30am-12.30pm	\$110 / \$140 (one session)
Session 2: Financial Management Facilitated by ACTCOSS	TBC Nov 1.30pm-4.30pm	\$180 / \$240 (both sessions)
Improving Quality and Impact of Services		
ACT Community Sector Communications Peer Network Facilitated by ACTCOSS	3 Jul 9.30am-11am	Free
ACT Social Enterprise Peer Network Facilitated by ACTCOSS	25 Jul, TBC Sep 12.30pm-2pm	Free
Leading Social Change: A Networking Event for Community Sector Board Members Facilitated by ACTCOSS	1 Aug, 17 Oct 5.30pm-6.30pm	Free
ACT Community Development Peer Network Facilitated by ACTCOSS	15 Aug, 17 Oct, 5 Dec 9.30am-11.30am	Free
Developing Quality and Continuous Improvement Facilitated by ACTCOSS	24 Sep 9.30am-12.30pm	\$110 / \$140 / \$165
Other workshops, seminars and keynotes		
Keynote: Cultivating Workers, Sustaining Community Services Speaker: Gary Veale	5 Jul 9.30am-12.30pm	\$30 / \$50
Opening up Equality in the ACT: The New Discrimination Grounds, and Beyond Facilitated by the ACT Human Rights Commission	21 Oct 9.30am-1pm	Free
NOFASD – Train It Forward Facilitated by NOFASD Australia	24 Oct 2019 9am-5pm	TBC
ACT Community Development Peer Network Facilitated by ACTCOSS	15 Aug, 17 Oct, 5 Dec 9.30am-11.30am	Free

Find out more about our learning and development opportunities and how to register at the ACTCOSS website: actcoss.org.au

Staff farewell

Vony Ramadhani
Intern

Over the last few months, ACTCOSS were fortunate to have Vony Ramadhani join us through the ANU College of Business and Economics Internship Program. During this time, Vony undertook analysis of 2016 Annual Information Statement data from the ACNC, to explore the economic contribution of community service charities in the ACT.

We enjoyed having Vony join us for this time and appreciate the efforts she made in delivering this quality work. ACTCOSS wishes Vony well with her future endeavours.

Cultivating Workers, Sustaining Community Services

Keynote event - 5 Jul 2019

Cultivation is about creating conditions for growth and actually growing – focusing on both what's important and what's doable.

In his keynote, Gary Veale will encourage participants to consider a paradigm for our work that helps us to effectively increase staff engagement, foster the wellbeing of our workers and grow a workforce for the future.

This event will also include insights and practical advice from a panel of local community services leaders.

Find out more and register:
actcoss.org.au/keynote2019



Article footnotes

Cultural competency the essential foundation, p. 1

1. J Korff, *Aboriginal & Torres Strait Islander flags*, Creative Spirits, 21 February 2019, accessed 21 June 2019, <<https://www.creativespirits.info/aboriginalculture/politics/aboriginal-torres-strait-islander-flags>>.
2. D Jopson, 'Aboriginal Flag Has Many Roles, Says Designer', *Sydney Morning Herald*, 3 September 1994, accessed 19 June 2018, <https://www.ausflag.com.au/harold_thomas.asp>.
3. *Harold Joseph Thomas v David George Brown & James Morrison Vallely Tennant* (1997), FCA 215, AustLii, Federal Court of Australia, 9 April 1997.

Legal services, pp. 4-6

1. R Livingstone, *What does it mean to be culturally competent?*, ACECQA, 2014, accessed 10 May 2019, <<https://wehearyou.acecqa.gov.au/2014/07/10/what-does-it-mean-to-be-culturally-competent/>>.
2. M Griffiths, *Australia Second Most Multicultural Country*, ABC News, 2010, <<https://www.abc.net.au/news/2010-11-17/australia-second-most-multicultural-country/2339884?pfmredir=sm>>.
3. AS Malaspinas et al., *A genomic history of Aboriginal Australia*, 13 October 2016, vol. 538, pp. 207-214, <<https://www.nature.com/articles/nature18299>>.
4. NACLC, *Reconciliation Action Plan 2017-19*, National Association of Community Legal Centres, n.d., <http://www.naclc.org.au/cb_pages/reconciliation_action_plan.php>.
5. H Flavell, R Thackrah and J Hoffman, 'Developing Indigenous Australian cultural competence: a model for implementing Indigenous content into curricula', *Journal of Teaching and Learning for Graduate Employability*, vol. 4, no. 1, 2013, pp. 39-63, accessed 10 May 2019, <<https://doi.org/10.21153/jtlge2013vol4no1art560>>.
6. S Herring, J Spangaro, M Lauw and L McNarmara, 'The Intersection of Trauma, Racism, and Cultural Competence in Effective Work with Aboriginal People: Waiting for Trust', *Australian Social Work*, vol. 66, no. 1, 2013, accessed 20 May 2019, <<https://doi.org/10.1080/0312407X.2012.697566>>.
7. Law Society of South Australia, *Lawyers' Protocols For Dealing with Aboriginal Clients*, 1st ed., 2010, accessed 10 May 2019, <<https://www.lawsocietysa.asn.au/PDF/ProtocolIndigenousClients.pdf>>.
8. A Wood, 'Incorporating Indigenous Cultural Competency Through the Broader Law Curriculum', *Legal Education Review*, vol. 23, no. 1, 2013, <<https://www.telethonkids.org.au/globalassets/media/documents/aboriginal-health/working-together-second-edition/wt-part-3-chapt-12-final.pdf>>.
9. H Flavell, R Thackrah and J Hoffman, 'Developing Indigenous Australian cultural competence: a model for implementing Indigenous content into curricula', *Journal of Teaching and Learning for Graduate Employability*, vol. 4, no. 1, 2013, pp. 39-63, accessed 10 May 2019, <<https://doi.org/10.21153/jtlge2013vol4no1art560>>.
10. R Walker, C Schultz and C Sonn, 'Cultural Competence – Transforming Policy, Services, Programs, and Practice' in P Dudgeon, H Milroy and R Walker, eds, *Working Together: Aboriginal and Torres Strait Islander Mental Health and Wellbeing Principles and Practice*, 2nd ed., 2014, pp. 195-220.
11. G Pon, 'Cultural Competency as New Racism: An Ontology of Forgetting', *Journal of Progressive Human Services*, vol. 20, 2009, pp. 29-71, <<https://refugeereseach.net/wp-content/uploads/2016/11/Pon-2009-Cultural-competency-is-the-new-racism.pdf>>.

The need for a settlement, pp. 10-11

1. LR Hiatt, 'Treaty, Compact, Makaratta ...?', *Oceania*, vol. 58, no. 2, 1987, pp. 140-144.

Next issue:

Update Issue 89, Spring 2019 edition

Ensuring reliable supply of community services as the population of Canberra grows

Members are welcome to contribute articles on the theme.

Copy deadline: 12 August 2019

Space is limited! To guarantee your spot, let us know as soon as possible.

Email: suzanne.richardson@actcoss.org.au
Ph: 02 6202 7200

Issue 89 will be distributed in Sep/Oct 2019.

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Association

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Andrew Scotford, CIT
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Petrea Messent,
Dementia Australia ACT

If you would like to
contact the Committee,
please contact us:

Lee Maiden,
Communities@Work

actcoss.org.au



The ACT Council of Social Service Inc. (ACTCOSS) represents not-for-profit community organisations and advocates for social justice in the Australian Capital Territory.

ACTCOSS acknowledges Canberra has been built on the land of the Ngunnawal people. We pay respects to their Elders and recognise the strength and resilience of Aboriginal and/or Torres Strait Islander peoples. We celebrate Aboriginal and/or Torres Strait Islander cultures and ongoing contributions to the ACT community.

ACTCOSS

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ACTCOSS welcomes feedback. Please visit the 'Contact' page on our website for our feedback form, or contact us using the details above.

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Update is a quarterly journal that provides an opportunity for issues relevant to ACTCOSS' membership to be discussed and for information to be shared. Views expressed are those of individual authors and do not necessarily reflect the policy views of ACTCOSS.