

Families Australia

Oration

Delivered by

Dr Aden Ridgeway (HonLit)

at the

3rd National

Child Aware Approaches Conference

18 May, 2015

Melbourne, Australia

I would like to acknowledge the Wurundjeri people of the Kulin Nation, the traditional owners and custodians of the land on which we meet today. I pay my respects to their Elders past and present and thank them for their earlier welcome today.

Could I also acknowledge Ms Prue Warrilow, Chairperson, Families Australia and members of the board. Mr Brian Babbington, CEO, Families Australia, our esteemed overseas guests, Aunty Sue Blacklock, and my colleague, Mr Richard Weston, CEO, The Healing Foundation, Ms Megan Mitchell, National Children's Commissioner, Ladies and Gentlemen – distinguished guests one and all.

Can I thank Families Australia and Ms Maree Walk, Deputy Secretary, Programs and Service Design, NSW Department of Family & Community Services for the invitation to deliver this oration.

In speaking to you today, I will draw on my experiences as a proud Gumbaynggirr man, a former politician, a father, a grandfather (a recent development that is wonderful but nonetheless a little confronting), and as someone who has been involved in Aboriginal and Torres Strait Islander community and cultural organisations for many years.

I was born at a time when Aboriginal people didn't have the vote.

It wasn't until I turned five that any of us were counted as citizens.

And when I grew up on the Bellwood Aboriginal Mission at Nambucca Heads – white authorities controlled most of the major decisions of our lives.

It can be hard, particularly for younger generations of Australians, to reconcile that such things occurred in this country, and so recently. I am only barely into my fifties. It seems such a far cry from where many of us are today.

Things have come a long way since the 1960s. But it's important to understand that many Aboriginal people today have personally experienced such exclusion.

Today I want to reflect on how we ensure that Aboriginal and Torres Strait Islander children can overcome the long shadow of the past, so that they are not captured or defined by it.

For many Indigenous children to succeed, they must overcome dual barriers to their success: 'learned helplessness' within their direct environment and a broader systemic belief in their 'hopelessness.'

Both lead to the same result – a societal response that is untroubled by dysfunction and low achievement, and which fosters, and indeed expects it.

We need to ground our children with a strong cultural core that drives self-belief, build confidence that they can achieve anything, and is valued by the broader community.

We all have a role to play in achieving this.

I want to argue today that, as we grapple with these issues, we have before us a range of significant opportunities. These have the potential to impact on child safety and protection in Australia into the longer term. In particular:

- The **Royal Commission into institutional responses to child sexual abuse**. It's focus is broad and time will tell how well it is able to bring together the vast array of issues and information it is unearthing. But it is potentially a 'game changer' that can embed significant reform across our public institutions.
- Then there is the **National Framework for Protecting Australia's Children**. At this point of the framework, the foundations have been laid and the partnerships are in place. Action under the framework should start to reveal key data about the scale and nature of the challenges that we face to protect children; to identify best practice responses to these; and also start to re-orient the way services and programs operate in this area.

When I thought back to my time in the Parliament I thought, we could equally lay claim that at that time we had significant and unique opportunities before us to make a difference.

We had a formal process of reconciliation, which drove greater focus on improving the well-being of Indigenous peoples, coupled with greater community understanding and awareness of the systemic issues faced by Indigenous peoples arising from the Royal Commission into Aboriginal Deaths in Custody and the Bringing them Home report, among others.

But ultimately, while we made progress on some issues, the reality is we didn't make headways with others. We didn't take the opportunities available. And so the issue that we grapple with today are very similar to the ones we were facing a decade ago.

To offer a comparison, on 20 August 2002, the Senate agreed to a motion that I put on the occasion of National Aboriginal and Islander Children's Day. In part it noted:

with concern the statistics on Indigenous family violence, child abuse and child neglect, which show that:

- (i) Aboriginal and Torres Strait Islander children represent nearly half of the Indigenous population, but experience higher rates of child abuse and child neglect than non-Indigenous children,
- (ii) Indigenous children are six times more likely to be removed from their families by welfare authorities than non-Indigenous children because of child abuse or neglect,

- and
- (iii) child neglect, often associated with poverty, poor housing and unemployment, is the major reason for Indigenous children being removed from their families, with twice as many Indigenous children being removed from their families because of child neglect than child abuse.¹

It is a matter of great sadness to me that the latest child protection figures, published just recently for 2013-14, show that Indigenous children were 7 times more likely as non-Indigenous children to be receiving child protection services in general or to be the subject of substantiated abuse or neglect, and over 10 times as likely to be on a care and protection order or in out-of-home care.²

The most recent Overcoming Indigenous Disadvantage Report by the Steering Committee for the Review of Government Service Provision also identifies that the areas where progress is unclear or data gaps remain are those that relate to child wellbeing – such as changes over time in rates of child hospitalisations, school attendance, school engagement and juvenile diversion.³

The second half of the motion talked about the great work that the Secretariat of National Aboriginal and Islander Child Care does, and urged ongoing funding support for it. Again, an issue where there is an unfortunate case of *déjà vu*.

For we are currently seeing the latest instalment of what seems like a cyclical occurrence. That is an obsessive determination of a government to streamline and re-organise programs and service delivery to Indigenous peoples – the latest version of this being the implementation of the Indigenous Advancement Strategy.

It appears we are witnessing a case of history repeating itself with the current government not learning from the mistakes of the past and potentially undermining other initiatives in the process. Of most immediate concern to us at this conference, is the potential impact of this on initiatives under the National Framework for Protecting Australia's Children.

So today I offer some reflections on what it is that we need to do now to ensure that we take full advantage of these tremendous opportunities that currently exist in order to address the significant challenges before us.

Or to put it differently, to reflect on what we need to do differently to the past, when good intentions and great opportunities were not enough.

It's not quite a rallying call about a 'once in a lifetime' opportunity but hopefully though, it is all the more important for it.

¹ Australian Senate, *Hansard*, Tuesday, 20 August 2002, page 3326.

² Australian Institute of Health and Welfare, Child Protection Australia, 2012-13, CAT: CWS 49, AIHW, Canberra 2014, p viii.

³ Steering Committee for the Review of Government Service Provision, *Overcoming Indigenous Disadvantage Report 2014*, Productivity Commission, Canberra, 2014, p4.

So let me start by commenting on the theme of the conference: Innovations in early intervention, community collaboration and partnership beyond the child & family welfare sector.

This speaks to the clear commitment across governments and the child and family welfare sector to work in partnership to achieve the goals of the National Framework for Protecting Australia's Children. It also demonstrates a clear understanding of the multi-dimensional nature of the issues, which cross traditional organisational and government boundaries.

The power of partnership is too often under-estimated in Australia. Sadly, NGOs across many sectors remain as 'silo-ed' in their operations as their government counterparts.

There can be no doubt that we are much better equipped as a nation to achieve sustainable improvements in the wellbeing of children and their families if we all work together towards a common purpose.

And I am a firm believer that we won't address the significant issues facing Aboriginal and Torres Strait Islander communities without such partnership.

To this end, I was struck by comments made by the Secretariat for National Aboriginal and Islander Child Care to the Productivity Commission's Inquiry into Child Care and Early Childhood Learning.

In their submission, SNAICC noted the fundamental importance of investment in early childhood education and care for Aboriginal and Torres Strait Islander children if we are to address the "historic and continuing health, social, economic and political disadvantages they face."⁴

They noted that at the time of writing in early 2014, there were approximately 300 specialist Aboriginal and Torres Strait Islander child care services for Indigenous children aged zero-eight across Australia. This number falls away to 115 services if you exclude those services that solely provide Outside School Hours Care or are playgroups or crèches.⁵ This is for a population of 146,714 indigenous children.

Even with a significant expansion of indigenous specific services, this makes clear that we cannot possibly ensure that Indigenous children access early childhood education and care on an equal basis to all other children in Australia unless we treat such access as an issue for both the mainstream and Indigenous specific sectors.

One of the challenges - as we know - is that there is currently an under-representation of Indigenous children in mainstream early childhood education

⁴ Secretariat of National Aboriginal and Islander Child Care, Submission to the Productivity Commission Inquiry into Child Care and Early Childhood Learning, February 2014, SNAICC Melbourne, pp4.

⁵ See note above, pp4-5.

and care services. As SNAICC have noted, Productivity Commission data indicates that nationally, 1.9 per cent of children in such mainstream services are Indigenous, although they comprise 4.4 per cent of the community.⁶

So I am very pleased to see the theme of the second action plan under the *National Framework for Protecting Australia's Children*, is **Protecting children is everyone's business**.

And I welcome initiatives such as the *Coalition of Organisations Committed to the Safety and Wellbeing of Australia's Children*, many of whose 165+ organisational members are present at this conference. This coalition is hugely important in giving effect to this intent.

We need to capitalise on this coalition to learn the innovations and cross-sector collaboration referred to in the title of this conference to ensure that services are accessible and inclusive for Aboriginal and Torres Strait Islander children across the full spectrum of the National Framework's activities.

There are two elements to this that I have championed throughout my life.

The first is the fundamental importance of building on the inherent strength of our indigenous cultures and heritage, and the second is ensuring our participation in decision-making that affects us. The two issues, of course, go hand in glove.

I have often seen the way that governments frame their engagement with Indigenous peoples as failing to grasp these two elements.

Debates centre on how to overcome 'our' disadvantage.

This can inculcate a victimhood mentality, amongst our young.

We then get treated as 'problems to be solved.'

We need to move beyond a dialogue in indigenous affairs that is based on addressing disadvantage. This defines us as disadvantaged citizens, and by default focuses the goal on how to provide us with the same opportunities as all other Australians.

Defining us as disadvantaged citizens tends, unfortunately, to mask the structural and systemic barriers that have contributed to much of the situation that we now find ourselves in. It leads to oversimplified debates about our needs based on language that is benign in appearance but loaded in meaning.

Instead, we should be starting from a position that sees our cultural identity, economic opportunity and addressing disadvantage as interrelated and complementary issues, instead of contradictory and oppositional.

⁶ Ibid.

We must re-orient our approach so that it embraces our cultural characteristics, recognising the power of the cultural capital that we possess.

Creating space for our cultural characteristics to be recognised and to thrive is critical in opening up the mainstream to Indigenous peoples.

What I have observed is that the development of Aboriginal and Torres Strait Islander children is often hampered by a sense of 'helplessness'. This is learned, acquired, developed, even nurtured from the child's family environment, the community in which they are situated as well as through the organisations that play a role in their lives.

This relates to a key tenet of trauma theory – namely, the concept of 'learned helplessness.' This is:

the observable phenomenon that once an individual becomes accustomed to trauma, their ability to recognise and escape from danger is impaired. In the same way, young people who learn that they have little control over the outcome of their lives, give up trying to change their future.⁷

Related to this 'helplessness', is an institutional expectation of what I term 'hopelessness'. This can refer to stereotypes and plain old prejudice and ignorance that continues to be a feature of life for many Aboriginal and Torres Strait Islander peoples.

It can manifest through barriers to participation and exclusion, but also by young people and their families 'opting out' of the system.

This can become a self-fulfilling prophecy: an institutional belief in your hopelessness is confirmed when it leads to Aboriginal children self-selecting failure rather than having it imposed on them through exclusion.

Both this sense of helplessness and this expectation of hopelessness lead to the same end – individuals, families and communities being resigned to a certain fate.

At its most extreme, it leads to young people making the tragic decision that death is better than living.

In her landmark 2014 report to Parliament, the National Children's Commissioner observes that death due to intentional self-harm among Aboriginal and Torres Strait Islander children and young people is significantly higher than children from non-Indigenous backgrounds. This is particularly evident in younger age groups.

⁷ Aboriginal and Torres Strait Islander Healing Foundation, *Growing our children up strong - The Intergenerational Trauma Initiative: Volume 1, April 2012- April 2013*, Healing Foundation Canberra 2014, online at : http://healingfoundation.org.au/wordpress/wp-content/files_mf/1381383030GrowingourChildrenUpStrongV1.pdf, p8.

There is evidence that suggests that this concept of learned helplessness is significant in explaining this over-representation.

The Children's Commissioner refers to research by the Menzies School of Health Research that found that the majority of children and young people in the study had experienced neglect or abuse within the family context from their early years. 'Familial transmission of suicide risk', along with early experiences of trauma and substance abuse within communities, was strongly linked to suicide attempts in children and young people.⁸

She also referred to research, as well as comparative data from Canada, that suggests that communities with strong connections to culture experience few or no suicides.⁹ Wayne Bergmann, former CEO of the Kimberley Land Council, is quoted in the Children's Report stating:

There are clear examples in Canada where communities as a whole have taken responsibility to address youth self-harm. By taking greater control in decision-making, these communities have less alcohol abuse, less suicide, higher employment, higher rates of school attendance, and a healthier and happier society. That's where the real answers lie, in empowering Aboriginal people to address community issues.¹⁰

I am a board member of the Aboriginal and Torres Strait Islander Healing Foundation. This was established following the National Apology to the Stolen Generations.

We conduct some projects on healing targeted to young people and their families. Each project we undertake is designed to meet the needs of the participating young people and families at the community level. But we have also identified that healing initiatives can have an impact by improving for young people and families their social and emotional wellbeing, resilience and relationships, as well as improving service co-ordination and responses to their circumstances.¹¹

Our projects are designed with the concept of 'learned helplessness' in mind. To address this, projects designed to help people overcome the effects of trauma:

include activities that provide experiences of success, mastery and empowerment whilst avoiding further experiences of helplessness and frustration.¹²

⁸ See previous note, p41.

⁹ People Culture Environment, *The Elders' Report into Preventing Indigenous Self-harm and Youth Suicide* (2014), p 16. At <http://www.bepartofthehealing.org/>.

¹⁰ See previous note, p15.

¹¹ Aboriginal and Torres Strait Islander Healing Foundation, *Growing our children up strong - The Intergenerational Trauma Initiative: Volume 1, April 2012- April 2013*, Healing Foundation Canberra 2014, online at : http://healingfoundation.org.au/wordpress/wp-content/files_mf/1381383030GrowingourChildrenUpStrongV1.pdf, p4.

¹² See previous note.

We have undertaken projects that seek to provide stability and safety and can act as sanctuaries for young people. The projects occur in places such as schools, drop-in or community centres, camps, and weekend or holiday activities.

They focus on enhancing inherent strengths, rather than correcting problems or concerns. By celebrating the small achievements of young people in these new spaces, project workers have been able to leverage positive feelings in order to build further self-efficacy, personal leadership and change. In this way, they are building the capacity of young people to create a new vision for themselves, their families and communities.¹³

I think this type of approach is critical in shaking up the status quo.

It would assist in shifting the current focus from what is essentially a myopic, inward-looking approach. This would see us move from a reactive, demand-driven system towards an approach that is proactive, strength-based and focused on prevention.

The thing that I particularly like about the National Framework for Protecting Australia's Children is the explicitly stated intention to move away from such a tertiary, reactive-focused approach – where we deal with the impacts of neglect and abuse through formal engagement with the care and protection systems across Australia – to a more proactively focused approach that better enables safe environments and resilient communities.

The health sector has known for generations that a health promotion approach is much more effective than a disease management approach. And yet in other settings we have been slow to adopt the 'prevention is better than the cure' principle.

There are other examples where this approach has been taken. And many of those examples have been auspiced by organisations at this conference.

I am particularly encouraged by efforts to develop Aboriginal and Torres Strait Islander Children and Family Centres under the National Partnership Agreement for Indigenous Early Childhood Development. Although I understand future funding for these initiatives are under threat.

And in the education sector, the achievements and dynamism of AIME (the Australian Indigenous Mentoring Experience) has been outstanding in shifting the focus on educational attainment in high schools and universities for Indigenous kids by 180 degrees.

At this point, I want to reflect on the great potential of the Royal Commission into Institutional Child Sexual Abuse.

¹³ See previous note.

The first terms of reference for the Royal Commission is to identify 'what institutions and governments should do to better protect children against child sexual abuse and related matters in institutional contexts in the future' and the fourth terms of reference to identify 'what institutions and governments should do to address, or alleviate the impact of, past and future child sexual abuse and related matters in institutional contexts, including, in particular, in ensuring justice for victims through the provision of redress by institutions...'

If the Royal Commission does its job well, the next decade will be dominated by actions to reshape our public institutions with a focus on how they protect Australia's children. The long-term outcome of the Commission should be to embed a fundamental shift in the way that the institutions of our society operate so that the rights and protection of children are at the centre.

This will surely be a key demand from the community in order to ensure that **never again** do we witness such appalling mistreatment of children and demonstrable lack of accountability and responsibility from the key institutions across our society.

Perhaps the second National Framework for Protecting Australia's Children will form the inter-governmental response to the findings of the Royal Commission and the roadmap to achieving this?

One thing we need to learn from the Indigenous experiences that I have referred to, is that the Royal Commission cannot simply look to the past. As it grapples with how to deal with the events of the past, it must take a forward-looking approach that a healing model provides. It must focus on redress **and** healing.

The responses that it develops should be informed by an understanding of the inter-generational and deep-seated trauma that has been inflicted on individuals by abuse that has occurred in institutional settings.

Overcoming 'helplessness' is integrally part of this.

My hope is that we can learn from the valuable lessons from actions in the National Framework to inform how we move forward in responding to the challenges that the Royal Commission will identify.

Of course, the issues that the Royal Commission respond to, will be very specific to sexual abuse. But there will also be significant potential to align related child protection and welfare issues with the responses to it.

So let me return to the idea of an institutional expectation of hopelessness.

One of the reasons that I have been so hopeful that we will achieve the task of recognising Aboriginal and Torres Strait Islander peoples in the Australian Constitution is to overcome this mindset.

The push for this recognition is spurred on by the legacy that I want to leave our children and grandchildren. I want them to know not just that they should be proud of their own people and culture. I also want them to see emphatically that millions of Australians see our people and culture as a source of pride too.

Back when I was that 5 year old boy on the mission, more than 90 percent of Australians voted yes at the 1967 Referendum to count us among society.

That moment forever changed my life – even if the neighbouring town of Kempsey recorded the highest ‘no’ vote in the country but times can change.

It is time to write us in to the Constitution. This should not be a symbolic action. Perhaps it would be particularly meaningful in addressing some of the significant issues I have raised to encourage a shift in our national consciousness.

As a sector, I also call on you to do everything within your power to reject the mindset of hopelessness. How accessible are your services? Do local Aboriginal people use them? Sometimes it is simple steps of inclusion that can change the dynamic. Reconciliation action plans are a useful organisational tool that can assist you to identify how accessible your organisation is in fact for the local Indigenous community.

I also see as critical to overcoming the mindset of hopelessness in the need to address the enduring challenge that is faced by Aboriginal and Torres Strait Islander peoples in this country: namely, ensuring our participation in the processes and decisions that impact on our lives.

For too long, Aboriginal and Torres Strait Islander peoples have been treated as passive recipients of government services. Priorities are centrally determined from afar, without our participation, and consequently, without tailoring the approaches to the direct needs of communities.

Undoubtedly, frustration at the entrenched nature of disadvantage that we experience, at the apparent lack of progress or sense of inertia that exists, has led to governments from time to time bypassing approaches based on partnership and empowerment, or even on a more basic level of community engagement or consultation.

It is frankly easier to avoid such processes – after all, they are hard work, they take time to build up properly, and government is traditionally not very skilled at doing it.

But while it may serve a broader political aim of appearing decisive and ‘looking busy’, avoiding such engagement has inevitably not led to improved outcomes on the ground.

Colleagues in the disability sector have an unambiguous way of expressing their expectation in this regard: **Nothing about us without us.**

And I think that we have much to learn from the major reforms that have occurred in the disability sector in the past few years.

These reforms have centred around the introduction of the National Disability Insurance Scheme (NDIS).

As you know, it introduces nationally a person-centred planning approach in which people with disabilities have far greater decision making authority and independence.

People with disability have traditionally been referred to organisations that received block funding in order to receive a pre-determined package of services, to be delivered with limited individual choice.

The NDIS will see people with disability having a greater level of control. They will be allocated a funding amount that they need to decide how to use, by purchasing the mix of services that best suit their needs and life goals.

The NDIS has coincided with the entry into force of the International Convention on the Rights of Persons with a Disability, which has clearly articulated a rights based approach to disability policy.

It is interesting to look at how these parallel developments have begun to impact in NSW.

Under the NDIS, service provision will ultimately move from the state and territory level to the Federal arena by 2018. New legislation was passed in NSW in 2014 that confirms arrangements for this transition, but which also firmly entrenches the rights of persons with disabilities as set out in the CRPD.

The *Disability Inclusion Act 2014* is described by the NSW government as ensuring that, post-NDIS, 'NSW continues to be a place where people with disability have access to mainstream services and are part of our community'.¹⁴

The objects of the Act are set out in section 3 and include the following:

- (a) to acknowledge that people with disability have the same human rights as other members of the community and that the State and the community have a responsibility to facilitate the exercise of those rights,
- (b) to promote the independence and social and economic inclusion of people with disability,
- (c) to enable people with disability to exercise choice and control in the pursuit of their goals and the planning and delivery of their supports and services,
- (d) to provide safeguards in relation to the delivery of supports and services for people with disability...

¹⁴ http://www.adhc.nsw.gov.au/about_us/legislation_agreements_partnerships/nsw_disability_inclusion_act.

The general principles are then set out in section 4 of the Act and include the following:

... (2) People with disability have an inherent right to respect for their worth and dignity as individuals.

(3) People with disability have the right to participate in and contribute to social and economic life and should be supported to develop and enhance their skills and experience.

... (5) People with disability have the same rights as other members of the community to make decisions that affect their lives ...

Now in light of the issues I have raised, it is not hard to replace the words 'people with disability' with the phrase 'Aboriginal and Torres Strait Islander peoples' and create for ourselves a new *Aboriginal and Torres Strait Islander peoples Inclusion Act 2015*:

- Aboriginal and Torres Strait Islander peoples have the same human rights as other members of the community
- the State and the community have a responsibility to facilitate the exercise of those rights
- the purpose of policy to promote independence and social and economic inclusion of indigenous peoples
- indigenous peoples having the same rights as others to make decisions that affect their lives
- and so on, I think you get the general impression.

If you search hard you will find only limited expressions of such principle in relation to Aboriginal and Torres Strait Islander peoples in existing law and policy. The *Aboriginal and Torres Strait Islander Act 2005* at the Federal level is one example. That legislation, which guides the operations of the Torres Strait Regional Authority, Indigenous Land Corporation and Indigenous Business Australia, has only a tangential and marginal connection to the overwhelming majority of service delivery and policy processes of the Federal government.

There is no other over-arching statement of principle or purpose that guides or centres policy development in this way.

And there is simply no equivalent in the Indigenous space to the detailed operational work occurring in every state and territory to re-focus disability programs into individualised, 'people-centred' approaches.

I draw the comparison between the two areas for obvious reasons, while acknowledging that the challenges each group faces are distinct and challenging.

The deliberate shift in the language of government towards a more inclusive, respectful dialogue that seeks to empower people with disability so that they can meaningfully participate in society can operate as a signal of what is possible if

we stop defining particular groups within our society through the lens of marginalisation, disadvantage or as I have termed it here today, 'hopelessness'.

While NDIS implementation is in its early stages, it will be fascinating to identify what lessons arise from this 'people-centred' approach that could be more broadly applied to other areas of policy, such as Aboriginal and Torres Strait Islander affairs.

My hope is that innovations that arise in the disability sector in the coming years, and also lessons of what doesn't work, will inform developments in relation to service delivery for Indigenous peoples.

And conferences like this provide a space for learning such lessons.

Concluding remarks

I hope that my remarks today have challenged you and provide some thoughts about a possible way forward.

I have tried to put before you some of the harsh realities that we must address if we are to ultimately achieve the aims of the National Framework for Protecting Australia's Children.

Let me leave you in no doubt that we have the tools that we need at our disposal.

We have the oldest continuing cultures in the world.

We have an engaged child and family sector, committed to working collegiately and with impact.

We have identified the roadmap forward – through the National Framework. We are starting to understand what works.

And we have history on our side.

After all, if this boy from the mission can go from being a citizen without rights to being a parliamentary representative of the people of New South Wales, then surely we can ensure that the long shadow of the past, can inform but not define our future.

And we can move forward, together, based on the ideas of an Indigenous Inclusion Act, by realising the inherent right to respect for the worth and dignity of all.

I, nor anyone one of us, can reach back and change the past but we can look at a shared and intertwined future – I am because you are not because you say – this is the promise we must make to our children.

Thank you.