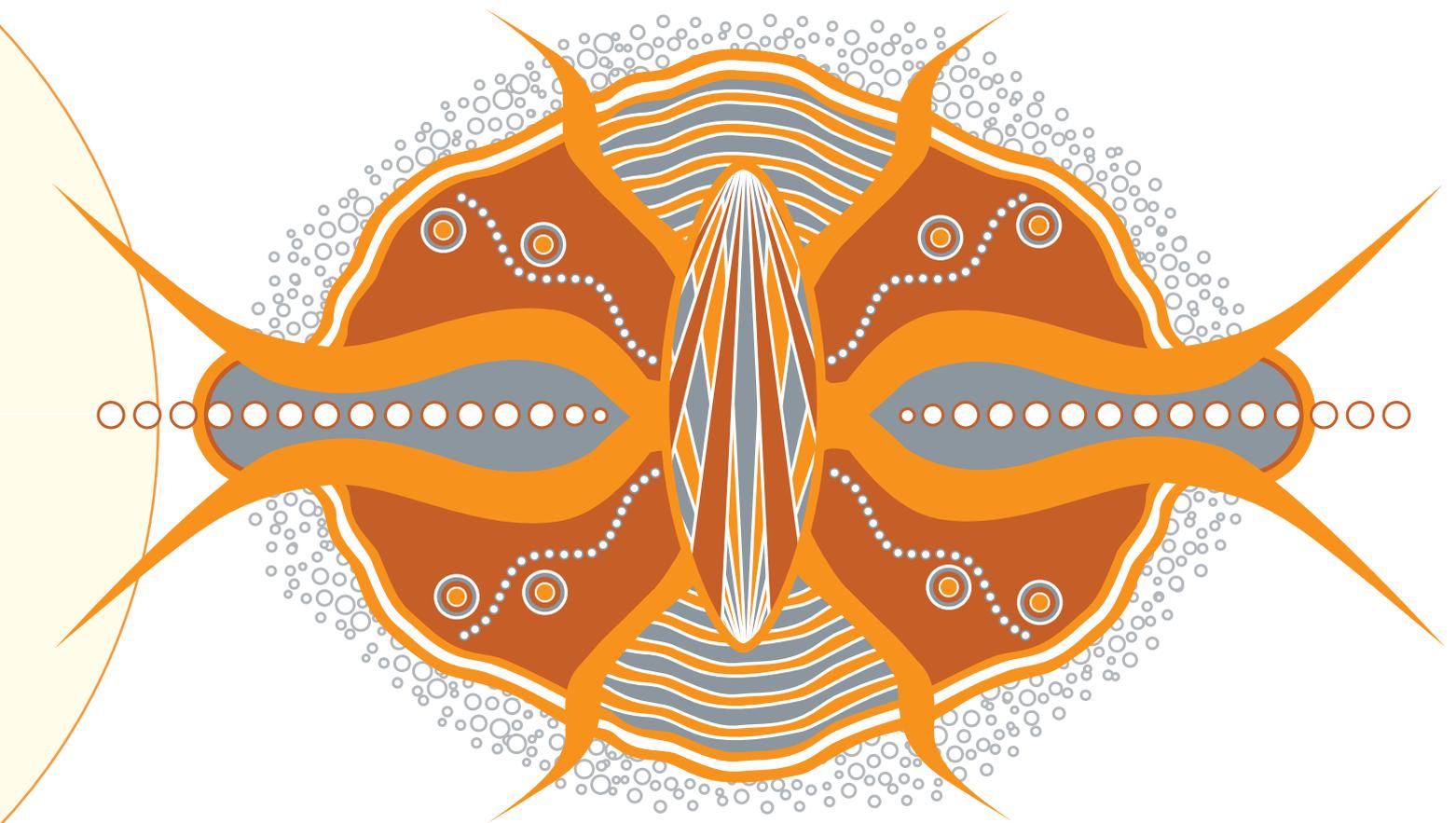
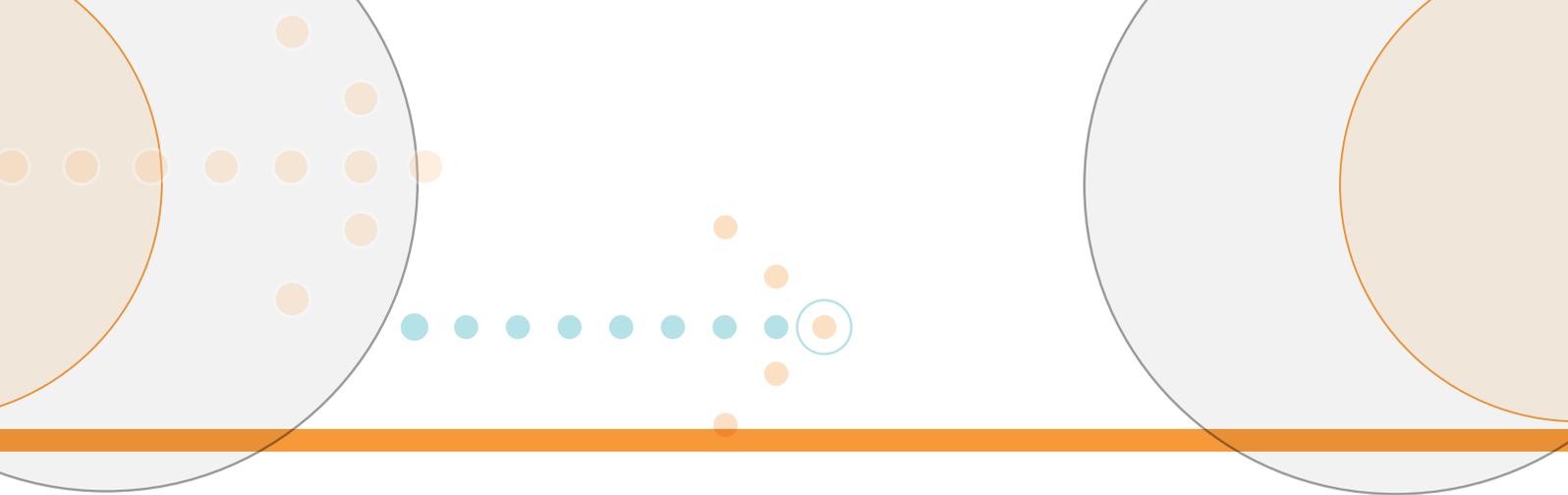


VICTORIAN GOVERNMENT ABORIGINAL INCLUSION FRAMEWORK





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ABORIGINAL INCLUSION FRAMEWORK**



*Prepared by the Ministerial Taskforce on Aboriginal Affairs Secretariat
on behalf of the Secretaries' Group on Aboriginal Affairs, Department
of Planning and Community Development.*

*Throughout the Aboriginal Inclusion Framework the term Aboriginal
refers to both Aboriginal and Torres Strait Islander people. Aboriginal
is used in preference to Indigenous; however Indigenous is retained
when it is part of the title of a report or program.*



1. WHY AN ABORIGINAL INCLUSION FRAMEWORK

A socially inclusive society is defined as one where all people feel valued, their differences are respected, and their basic needs are met so they can live in dignity. Social exclusion is the process of being shut out from the social, economic, political and cultural systems which contribute to the integration of a person into the community.¹ Many Aboriginal people, families and communities experience exclusion as the complex and enduring legacy of previous government approaches and policies.

The Charter of Human Rights and Responsibilities Act (Vic) 2006 which came into full effect early in 2008 imposes a duty on all levels of government and other service providers to act in a way which preserves and enhances the rights of all individuals. In addition it imposes specific duties relating to the preservation of Aboriginal culture, by explicitly acknowledging the special importance of human rights to the Aboriginal people of Victoria in the Preamble and in s.19 Right to Culture.

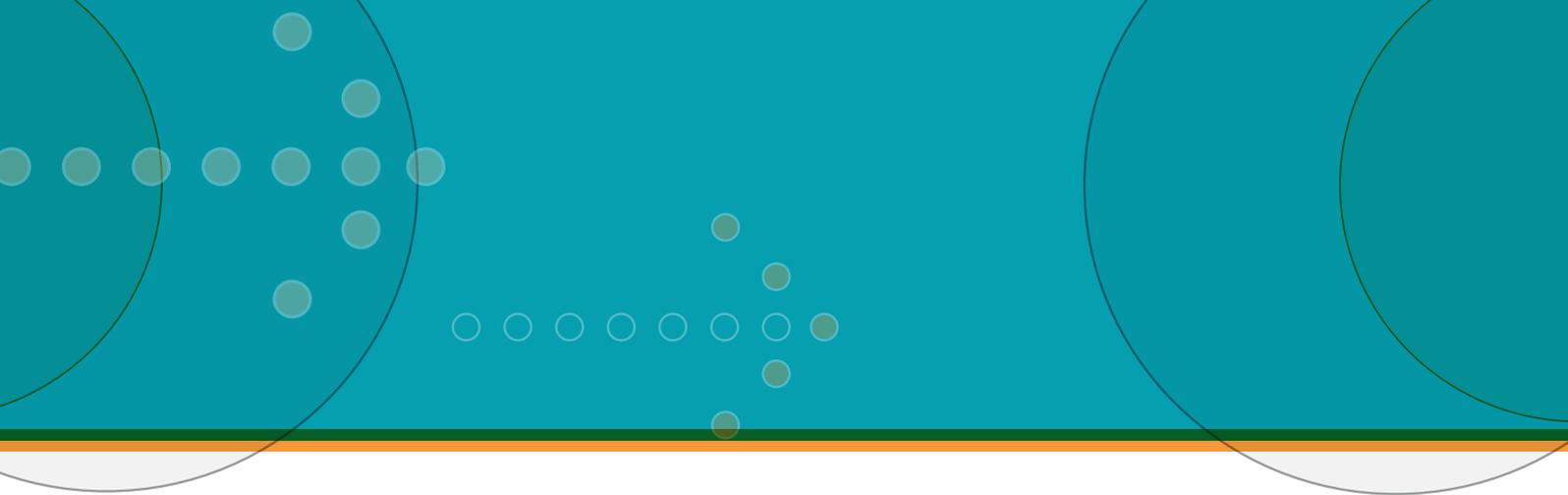
A full understanding of the Charter's right to culture and the obligations it creates is further articulated and underpinned by the United Nations Declaration on the Rights of Indigenous Persons to which the Australian Government has lent its support.

The Aboriginal Inclusion Framework (the Framework) is an initiative of the Secretaries' Group on Aboriginal Affairs. It was developed after consultation with Aboriginal communities focused on the need to embed within the processes of government, inclusive, consistent and accessible services to Aboriginal people through all departments, agencies and funded service providers.

Acknowledgment and respect of Aboriginal culture, values and practices is at the heart of successful engagement with Aboriginal people. An acknowledgement and respect of Aboriginal culture, values and practices will also assist in addressing issues of racism and ignorance.

The Aboriginal Inclusion Framework will enable departments and agencies to meet the specific needs of Aboriginal Victorians and address systemic exclusion. The Framework will provide a tool for departments and agencies to review and reform current practices in relation to how they do business with, and deliver services to Aboriginal people, families and communities.

¹ Cappo 2002, Quoted in VicHealth Research Summary 2 - Social inclusion as a determinant of mental health and wellbeing (January 2005)



2. WHAT IS THE FRAMEWORK?

The Aboriginal Inclusion Framework is about enabling change in the way government departments and services engage, relate to, and deliver services to Aboriginal people, families and communities. All Victorians will benefit from an inclusive and respectful engagement with government systems and services. Diversity of gender, heritage, culture, ideas and age provides balance and generates innovation in all policy and programs areas.

The Framework aspires to actively strengthen the inclusion of Aboriginal culture in the workplace and support successful Aboriginal participation in the design, implementation and assessment of policies and programs by which people are directly or indirectly affected. For example, employment of more Aboriginal people and building understanding of the experience of Aboriginal clients will help us better meet the needs of those individuals, families and communities, and earn trust and respect.

The Framework identifies six areas of action and five key areas of focus.

The areas of action and areas of focus have been developed into a matrix to provide guidance for departments and agencies to reflect on their current policies and programs. Questions posed provide a platform for departments and agencies to discuss and quantify how inclusion of Aboriginal Victorians is understood within their organisation and how the organisation can be more inclusive. The design of the Framework aims to provide direction and ideas for achieving inclusive services, practices and policies in our department and agencies



3. OBJECTIVE OF THE FRAMEWORK

The objective of the Aboriginal Inclusion Framework is to provide policy makers, program managers and service providers in the Victorian Government with a structure for reviewing their practice and reforming the way they engage with and address the needs of the Aboriginal people in Victoria. This is fundamental to supporting the Government's drive to deliver better outcomes for Aboriginal Victorians.

An Aboriginal Inclusion Framework will form a critical part of the implementation of *Karreeta Yirramboi* - Victorian Aboriginal Public Sector Employment and Career Development Action Plan 2010–2015, which seeks to achieve the Government's commitment under the Council of Australian Government's (COAG) National Partnership on Indigenous Economic Participation by ensuring that Aboriginal employees make up at least 1% of the Victorian Public Sector by 2015.

Implementation of *Karreeta Yirramboi* will take place across all Victorian Government departments and public sector agencies,

including Victorian Government schools, hospitals and Victoria Police.

The scope of the Aboriginal Inclusion Framework is to modify practices, policies and service delivery across all Victorian Government departments and their agencies. The Aboriginal Inclusion Framework will challenge Victorian Government departments and agencies to identify priorities, test solutions, and facilitate collaboration with Aboriginal Victorians.

The focus is on ensuring cultural change is embedded in organisational practices.

4. WHAT ARE THE BENEFITS OF APPLYING THIS FRAMEWORK AND OPERATING IN AN INCLUSIVE WAY?

Evidence from overseas and the private sector indicates there are many benefits – both for the organisation, and for consumers of services provided by the organisation and its agencies – from taking an inclusive approach.

In the Victorian context these benefits are likely to be that, firstly, making explicit a commitment to working in a way which includes Aboriginal people, families and communities, and demonstrating that commitment through practice, better decisions about policy, program and service delivery can be made, and services can be better designed and targeted. By understanding and articulating organisational functions within an inclusive framework, the needs and rights of clients and consumers can become clearer, and the context for service delivery is recognised and respected.

Secondly this understanding can then flow to agencies delivering services on behalf of government: through better informed funding and service agreements, accreditation processes, service standards, monitoring and evaluation.

This can improve client and stakeholder relations, reduce the risk of complaints, enhance the reputation of the organisation and build transparency and accountability.

Thirdly, being part of an inclusive organisation can boost productivity because employees value a work environment which values diversity and does not tolerate discrimination or racism. This can enhance morale and staff loyalty, and reduce absenteeism and turnover. Employees who feel valued, and who know that their employer values their clients, are more likely to work to maximise their contribution to the organisation's knowledge and skill base.²

A clear commitment to the Aboriginal Inclusion Framework can help earn the trust and respect of Aboriginal communities and pave the way for valuable partnerships. Through genuine partnerships, departments and their agencies can be more responsive to service user needs and concerns, and real stakeholder engagement can occur.

Fundamental to Aboriginal inclusion is recognition that Aboriginal communities are as diverse as any other community. Victorian Aboriginal communities are not all one cultural group and not all the same. Similarities and differences exist within and across each community. Too often it is assumed that one Aboriginal person is the knowledge holder and the sole voice for the whole community in which they live. There are also different traditions and customs, different ways of communicating, different understandings, different sensitive issues, different Elders.³

5. AREAS FOR ACTION

Understanding how to address exclusion and self exclusion will help inform planning, and policy and program decisions. Six areas have been identified to enable government departments and agencies and their service providers to focus their action under the Inclusion Framework:

Representation, Participation and Engagement

Representation of, and participation and engagement with Aboriginal people ensures that their views, preferences, experience and knowledge inform decision making and delivery across the organisation.

Cultural Safety, Presence and Recognition

Individuals and systems should be able to respond respectfully and effectively to people of all cultures, races, ethnicities, sexual orientations and faiths or religions. This response affirms and values their worth and respects their dignity.⁴ The cultural perspective of the relevant stakeholders (clients, employees, partner organisations, communities) is at the centre of all interactions.

Duty of Care

Duty of care applies to a range of situations and can be briefly described as an obligation (that a sensible person would take) when acting toward others and the public. All departments and agencies have a duty of care to clients and others who may be reasonably likely to be affected by their actions. Actions are to be made with care, attention, caution and prudence; otherwise those actions can be considered negligent.

Aboriginal people, families and communities should be treated in a way that affords them the same rights as other members of the community. All departments and agencies have a duty of care to clients and others who may be reasonably likely to be affected by their actions.

Evaluation and Monitoring

Evaluation and monitoring is the systematic collection and analysis of quantitative and qualitative data needed to make decisions. It is a process in which most well-run programs engage from the outset. Rigorous evaluation builds the knowledge base to improve future policies, programs and services.

Accountability, Reporting and Transparency

Accountability is the process whereby organisations, and the individuals within them, are responsible for their decisions and actions and submit themselves to appropriate external scrutiny. It is achieved by all parties having a clear understanding of those responsibilities, and having clearly defined roles through a robust structure.

Whole of Government Interaction and Interagency Collaboration

State-wide leadership and coordination is important as issues confronting Aboriginal people cross traditional Departmental boundaries. Alignment of investment, effort and policy integration with strategic priorities is necessary to achieve long term change.

⁴ SA Cultural Inclusion Framework Guide 2003, Page 13

6. AREAS FOR FOCUS

Five areas of focus have been identified for government departments and agencies and their service providers to support the development and integration of inclusive policy, processes and practices for Aboriginal people, families and communities.

Leadership and Governance

The leadership group provides overall guidance for a department or agency. It establishes structures, is responsible for the behaviour, culture and values and is accountable for the achievement of an organisation's operations and goals. There are leaders at all departmental and agency levels whose capacity can be effectively harnessed.

Policy Development

Policy development provides a framework for issue identification, agency decision making, communication and service delivery. Policies provide the foundation for the agency's governance, programs and direct service delivery, and for the services it purchases. All policies must be inclusive of Aboriginal people.

Programs and Services

Programs and services should be designed and

delivered in inclusive ways so that external and internal barriers to Aboriginal inclusion are eliminated.

Workplace Organisational Development and Change

The workforce needs to reflect the community it services. Government departments and agencies need to build, retain and develop their Aboriginal workforce and the capacity of other stakeholders (including its non-Aboriginal workforce and external agencies). It is essential that all departments and agencies have capabilities and practices that promote access to and delivery of inclusive and respectful services.

Communications

Pro-active communications drive reform by raising awareness, and promoting positive norms across the workforce, the general community and within Aboriginal communities. Access to information should empower Aboriginal people, families and communities to know and express their rights by building their understanding of available service, acceptable standards, and avenues for engagement, while also empowering agencies to deliver rights-based services.

7. ARE THERE EXAMPLES OF EFFECTIVE INCLUSIVE PRACTICE?

The Aboriginal Inclusion Framework is focused on the actions of Victorian Government departments, agencies and funded service providers, however, inclusion is not just about service delivery. Inclusion must address all aspects of how each department and agency functions. Change will need to be implemented to ensure the inclusion of Aboriginal Victorians is recognised throughout each department and agency, from top to bottom.

The Framework is designed to be flexible in its implementation and departments and agencies will

be encouraged to develop their own plans, structures and strategies that suit the context within which they operate. Action to address the inclusion of Aboriginal people and culture may be undertaken within existing inclusion plans or frameworks.

The implementation of the Framework in a sustained and effective manner should foster systemic change to organisational behaviour which is 'built in, not bolted on'. This should infiltrate all governance, planning, program development, workforce capacity, implementation, reporting and evaluation.

8. PLACING ABORIGINAL INCLUSION IN A BROADER REFORM AGENDA

A FAIRER VICTORIA

The principles underpinning the Aboriginal Inclusion Framework are central to the Government's objectives in A Fairer Victoria (AFV). In the 2010 update to AFV, all new initiatives reflect the five long-standing objectives which have guided the Government's approach and investment since 2005:

- increasing access to universal services
- reducing barriers to opportunity
- supporting disadvantaged groups
- addressing areas of high-need
- making Government easier to work with.

The AFV priority areas for 2010 highlight the need for a more integrated approach across government to ensure significant steps forward can be taken in the way government works with Aboriginal communities, and invests in Aboriginal affairs. A Fairer Victoria 2010 notes the need for a more respectful and structured partnership with Aboriginal communities.

The Aboriginal Inclusion Framework provides a mechanism for strengthening partnerships with Aboriginal Victorians, and ensuring agencies have the capability and practices to deliver inclusive and respectful services to all clients and service users.

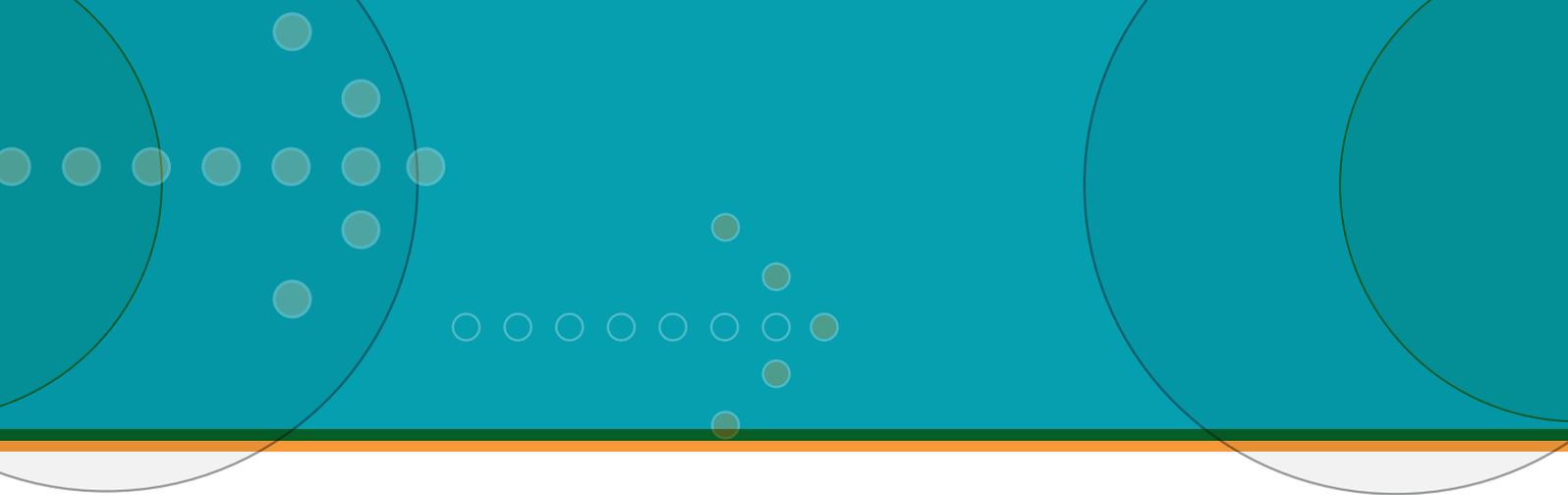
VICTORIAN INDIGENOUS AFFAIRS FRAMEWORK

The establishment of the Victorian Indigenous Affairs Framework (VIAF) in 2006 marked a new and strategic approach to Indigenous Affairs in Victoria. The VIAF has achieved positive change by aligning and concentrating government and community effort in the foundation areas of maternal health, early childhood development and education.

Principles of reform have guided the implementation of the VIAF. The VIAF commits government departments and agencies to work together with Indigenous Victorians and their communities. These principles aim to build and sustain social, human and economic capital, and are consistent with the approach of the Aboriginal Inclusion Framework.

Achieving this will require an approach that builds human capacity, autonomy and economic independence. This approach can help bring about change to improve the lives of Indigenous Victorians and create strong and prosperous Indigenous communities. These changes will require:

- Recognition by governments and the broader community of the strengths and contribution of Aboriginal communities.
- Raised expectations of what Aboriginal Victorians can achieve and the standard of service that Aboriginal Victorians are entitled to.
- A stronger focus on education, employment and economic development.



The VIAF also established six Strategic Change Areas, Indicators and performance targets relating to opportunity, reduction of, and addressing the multifaceted aspects of disadvantage experienced by Aboriginal Victorians.

The VIAF specifies the following areas for action:

1. Improve maternal health and early childhood health and development
2. Improve education outcomes
3. Improve economic development, settle native title claims and address land access issues
4. Improve health and wellbeing
5. Build Indigenous capacity
6. Prevent family violence and improve justice outcomes

The annually produced Victorian Government Indigenous Affairs Report enables transparency of progress against the VIAF, providing information against each Strategic Change Indicator and the related target.

The Aboriginal Inclusion Framework provides a comprehensive means by which all departments and agencies can assess their contribution to these outcomes, and identify what changes need to occur to engage with, relate and deliver services to Aboriginal Victorians.

Victoria has in place a community leadership structure comprised of the Premier's Aboriginal Advisory Council (PAAC) and Local Indigenous

Networks (LINs). This structure will be enhanced by the establishment of the Regional Indigenous Councils (RICs). This structure provides an opportunity to engage Victorian Aboriginal communities and to understand community aspirations and priorities.

In addition, in 2010, the Victorian Government has released the report of the Victorian Aboriginal Economic Development Group, Moonda Wurrin Gree – Pathways to a Better Economic Future which identifies employment as a key mechanism to build human capacity and economic independence for Aboriginal Victorians. The importance of employment is also recognised in Karreeta Yirramboi, which seeks to achieve the Government's commitment under the COAG National Partnership on Indigenous Economic Participation to ensure that Aboriginal employees make up a least 1% of the Victorian public sector by 2015.

COUNCIL OF AUSTRALIAN GOVERNMENTS SERVICE DELIVERY PRINCIPLES

The Aboriginal Inclusion Framework will be informed by the Service Delivery Principles agreed by Council of Australian Governments (COAG) in 2008. They are

- Priority – Programs and services should contribute to closing the gap by meeting targets endorsed by COAG while being appropriate to local community needs.

- Indigenous Engagement – Engagement with Indigenous men, women and children and communities should be central to the design and delivery of programs and services.
- Sustainability – Programs and services should be directed and resourced over an adequate period of time to meet the COAG targets.
- Access – Programs and services should be physically and culturally accessible to Indigenous people recognising the diversity of urban, regional and remote needs.
- Integration – There should be collaboration between and within governments at all levels and their agencies to effectively co-ordinate programs and services.
- Accountability – Programs and services should have regular and transparent performance monitoring, review and evaluation.

The COAG Closing the Gaps Targets also include commitments to reducing child mortality, increasing kindergarten participation, halving the gap in reading, writing and numeracy within a decade, halving the gap for Indigenous students in Year 12 attainment or equivalent by 2020 and halving the gap in employment outcomes between Indigenous and non Indigenous Australians within a decade.

VICTORIAN CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT

The Victorian Charter of Human Rights and Responsibilities Act 2006 (the Charter) is an agreed set of human rights, freedoms and responsibilities protected by law. Government departments and public bodies must observe

these rights when they create laws, set policies and deliver services.

The Charter protects twenty civil and political rights, mostly drawn from the International Covenant on Civil and Political Rights and includes well known democratic rights such as the right to vote and freedom of expression.

While the rights protected in the Charter belong to all people in Victoria, there are also specific human rights relating to the Aboriginal people of Victoria. The Preamble states that the Charter is founded on the principle that:

Human rights have a special importance for the Aboriginal people of Victoria, as descendants of Australia's first people, with their diverse spiritual, social, cultural and economic relationship with their traditional lands and waters,

and s.19 Cultural Rights states that:

- (2) Aboriginal persons hold distinct cultural rights and must not be denied their right, with other members of the community –
- to enjoy their identity and culture
 - to maintain and use their language
 - to maintain their kinship ties
 - to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

The Charter's main purpose is to ensure that public authorities properly and proactively consider human rights across the full scope of their work. Public authorities include all government departments, local government, Victoria Police, and any entity whose functions are or include functions of a public nature, when it is exercising those functions on behalf of the State or a public authority. These "functional" public authorities will at times include non-government agencies funded by the State.

The key Charter obligations include duties relating to:

- Limitations on rights (s.7): a human right may be subject under law to such reasonable limits as can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom, and taking into account all relevant factors.

- Interpretations of laws (s.32): so far as it is possible to do consistently with their purpose, all statutory provisions must be interpreted in a way that is compatible with human rights.
- Conduct of public authorities (s.38): it is unlawful for a public authority to act in a way that is incompatible with a human right or, in making a decision, to fail to give proper consideration to a relevant human right.

Over time the Charter is helping to change practices and attitudes, improve decision making processes and quality of services, and to ensure that all Victorians understand their rights and responsibilities - including the responsibility to respect other people's rights.

9. WHAT DID OUR RESEARCH AND CONSULTATION TELL US?

During 2009 and 2010, the Victorian Government undertook consultations across metropolitan and regional Victoria to understand how the Government delivers services and resources to Aboriginal Victorians, the characteristics of the individuals, families and communities who access services and to gain new insights into the needs of Aboriginal Victorians.

Understanding the experiences of exclusion and how it impacts on the lives of Aboriginal people, their families and communities is central

to improving government systems and services. If individuals, families and communities do not trust government services and providers or fear discrimination, this will prevent them even attempting to access that service. Any barrier preventing access to government funded services diminishes the entitlement of Aboriginal Victorians to achieve the same opportunities and outcomes as other members of the Victorian community.

Barriers to accessing the services and resources highlighted during consultations include:

Racial Discrimination

Actual and perceived discrimination towards Aboriginal people and their families from service providers is a major barrier to accessing services. The quality of this interaction will determine a person's experiences.

"During the consultations, many examples of racism were related by Aboriginal people. Aboriginal people also identified that they self-exclude due to a lack of confidence in the capacity of the service provider to deliver accessible, equitable services of an acceptable standard"

Language and/or Cultural Barriers

Information that is provided in ways that exclude groups and cultural barriers to accessing services may be equally significant.

"There were concerns raised consistently regarding communication between Governments, local service providers, Aboriginal Peak Bodies and community groups. Without thorough systems of communication, the people and organisations consulted expressed feelings of isolation and exclusion from policy and program design and decisions"

Lack of Trust in Organisations

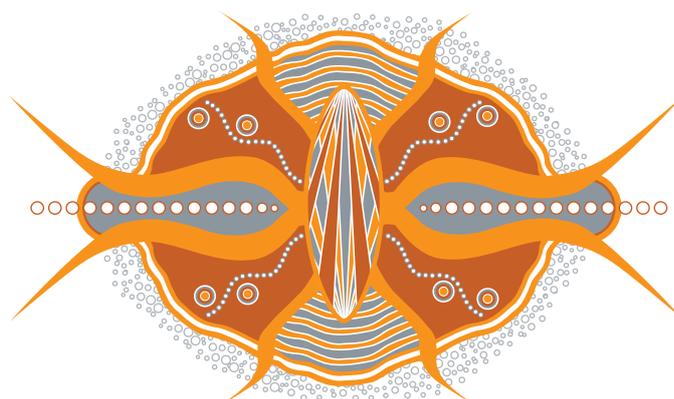
This can include a fear or expectation of discrimination. Aboriginal people who have had negative experiences attempting to access a service, may be reluctant to engage with other services in the future, or will not seek out the assistance of a specialist organisation for help or advice. Reasons for this may be a limited understanding of the services available, a lack of trust in organisations due to previous experiences and privacy concerns.

"It appears as though some people have come to the conclusion that there is no one to talk to who will make an impact on their current circumstances. It was said several times that in situations of need, community members did not know who to contact or which service to approach, and so chose not to act at all"

Awareness and Engagement

A lack of awareness of and engagement with local Aboriginal communities prevents individuals, families and communities from approaching an organisation to participate in activities or to seek assistance. Where a number of these services and resources are not accessed, this indicates that those individuals can be deeply and persistently excluded.

"Many service providers had no engagement with local Aboriginal people on a professional level and the mainstream community and Aboriginal communities in the regions had almost no engagement socially, except perhaps through sport. This lack of interaction appears to cause uncertainty and unwillingness by service providers to engage with local Aboriginal communities"



10. MONITORING, REPORTING AND ACCOUNTABILITY OF THE INCLUSION FRAMEWORK

The implementation of the Aboriginal Inclusion Framework will be monitored by the Secretaries' Group on Aboriginal Affairs and a mechanism for reporting will be the annual Victorian Government Indigenous Affairs Report. All Victorian Government departments and agencies produce annual reports that could also include a discussion of how Aboriginal inclusion is being addressed.

The Aboriginal Inclusion Framework will also support the implementation of *Karreeta Yirramboi* - Victorian Aboriginal Public Sector Employment and Career Development Action Plan 2010–2015, through its strong focus on workforce issues.

All public sector employers with more than 500 staff are now required to develop and implement Aboriginal Employment Plans. A public sector that reflects the diverse community it serves will provide better and more responsive services.

However, the Aboriginal Inclusion Framework is broader than workforce and employment, and places emphasis on service delivery and internal

and external relationships and how these are integrated into the corporate management and leadership of departments and agencies.

Currently, several government departments are researching or implementing individual internal frameworks or action plans that target Aboriginal cultural inclusion. These initiatives recognise the importance of earning respect and building relationships with Aboriginal communities to allow open dialogue and the need to understand local issues from the perspective of the communities involved.

When implementing the Aboriginal Inclusion Framework, departments and agencies should consider their responses in the context of continuous improvement. To this end, the monitoring, review and evaluation of responses, in consultation with Aboriginal people and stakeholders, with a view to examine and consider initiatives as required is recommended.



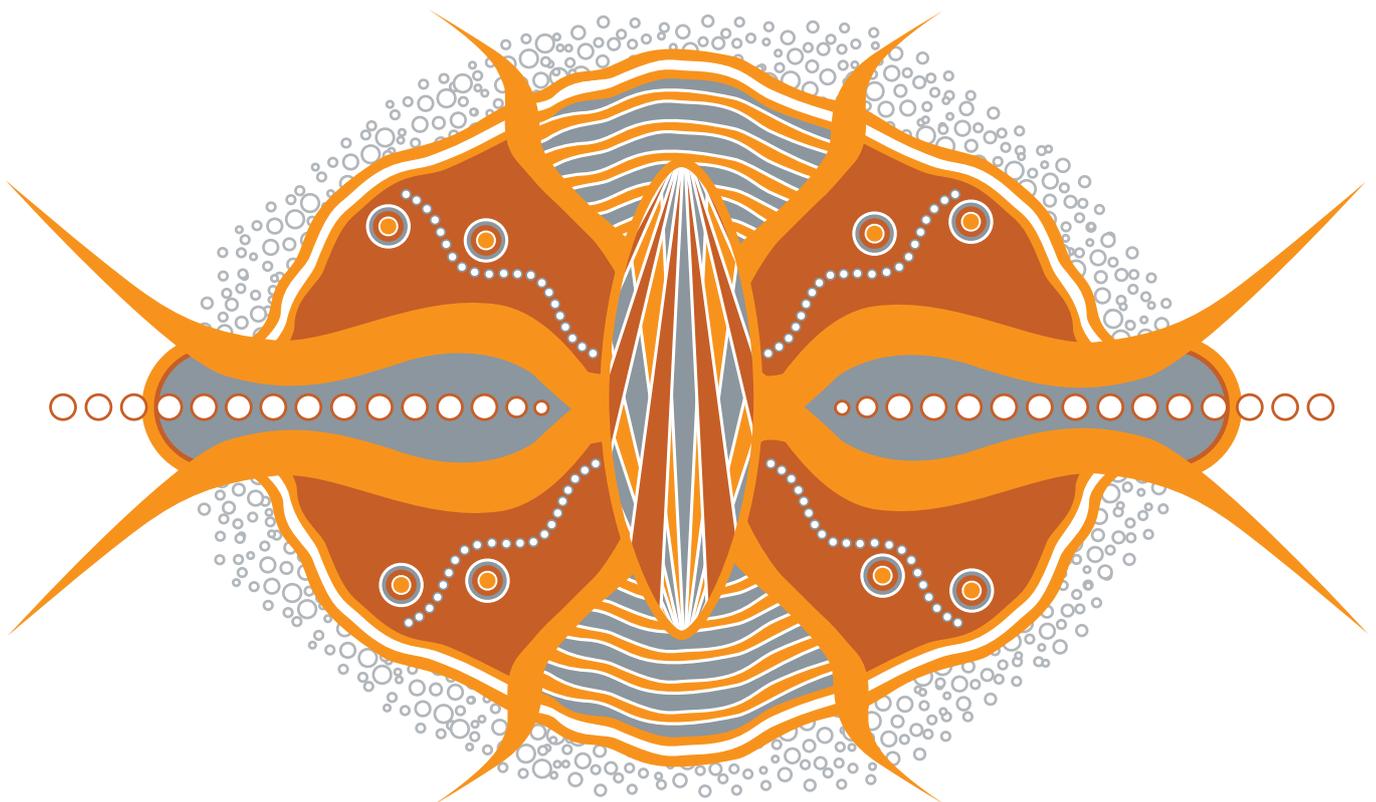
Further, specific action will be taken to inform Aboriginal stakeholders and communities about:

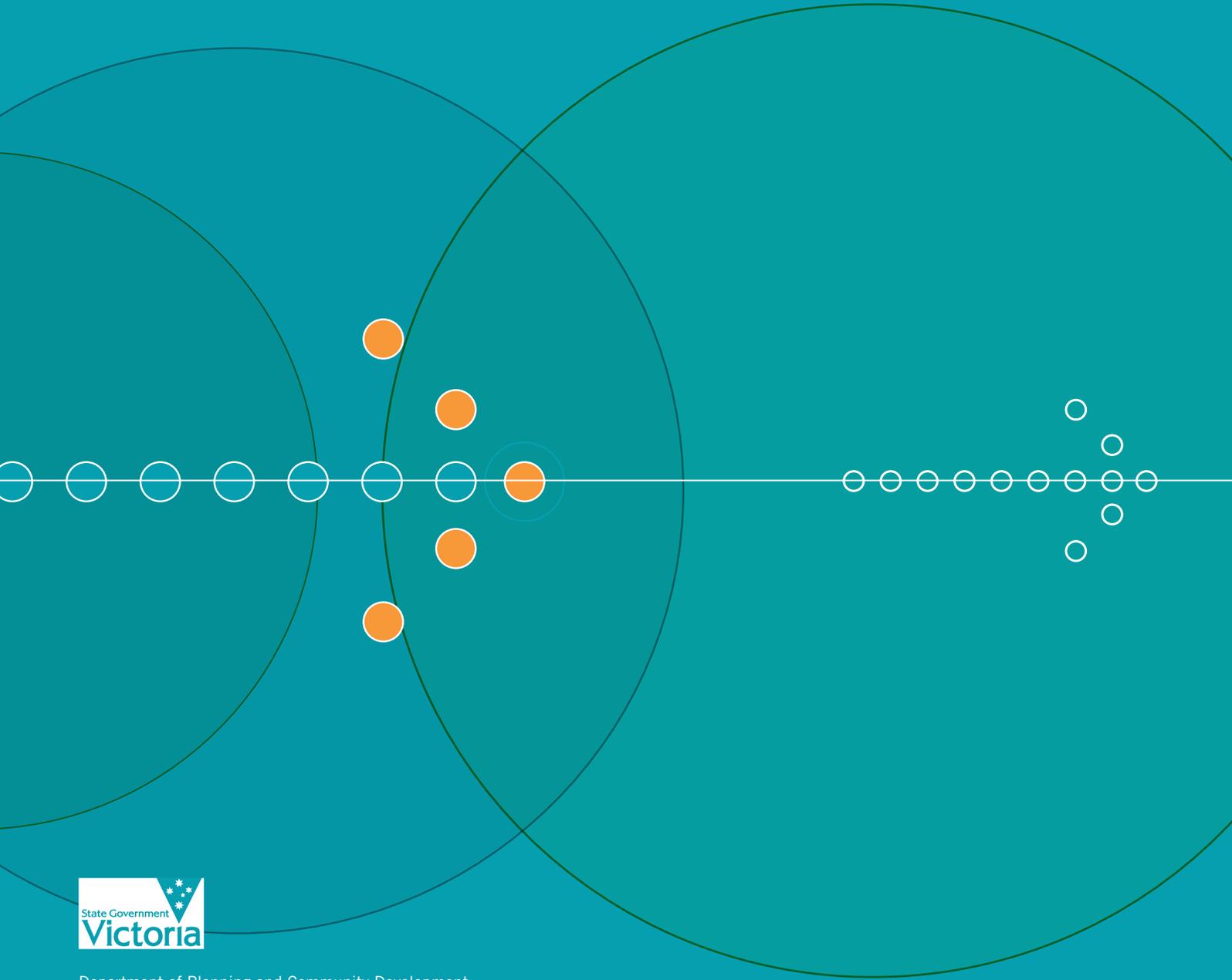
- What the Aboriginal Inclusion Framework does.
- What Aboriginal Victorians can expect in services and programs they wish to use.
- What other work is taking place that supports improving inclusion and how people can participate.

A Victorian Government inter-departmental working committee will continue to meet to progress implementation of the Aboriginal Inclusion Framework. It will oversee the development

of practical tools and resources to support implementation, including training, case studies and the use of existing processes.

Additional work will also be undertaken with the Victorian Equal Opportunity and Human Rights Commission to promote a rights based approach within Victoria's Aboriginal communities.





Department of Planning and Community Development
1 Spring Street
Melbourne Victoria 3000
Telephone (03) 9208 3799
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