

**Probation and Community Corrections Officers'
Association Incorporated**

REDFERN:

Successes, Challenges and Implications

**Paper submitted for the
Conference and Practitioner Workshops (2004)**

Working with Indigenous Offenders

**Alice Springs
(Mparntwe)**

19th – 21 July 2004

Prepared by

Kathleen Smith - Aboriginal Client Service Officer, City District Office, Probation and Parole Sydney

In conjunction with

Albert Torrens - Aboriginal Client Service Officer, Newtown Office, Probation and Parole Sydney

TABLE OF CONTENTS

Content	Page
History of "THE BLOCK" in Sydney	5
Sydney 2004 Riots on the Block	8
Successes	11
Challenges	13
Implications	17
Reference/Bibliography	22

History of the Block in Sydney

Redfern is an inner city suburb of Sydney, barely 2.5 kilometres from the Sydney GPO. Why is the community of Redfern so volatile? Is it both Aboriginal and non-Aboriginal perceived ideas that Redfern is volatile? Or is the way that the media represents the Block that makes it volatile? Or is it our own misconceptions?

During 1889 residential dwellings were constructed by non-Aboriginal settlers in the area known as Darlington (incorporated in 1864). This construction was stimulated by the need to house workers from the nearby Eveleigh Railway Workshops. The houses mainly consisted of brick rendered walls, iron roofs and timber verandahs with iron balcony railings. During the 1920's, Aboriginal people from all around NSW migrated to Redfern, drawn by the possibility of regular work on the railways and cheap rent. As work became scarce during the Great Depression of the 1930's, many Aboriginal people from throughout NSW sought refuge with relatives in Redfern.

By the 1940's a large Aboriginal population had established itself in Redfern. The area became the location of a number of civil rights protest meetings and rallies. The 1967 National Referendum gave citizenship rights to Indigenous people for the first time since colonisation. Consequently, more Aboriginal people migrated mainly from the rural areas of NSW and Queensland to Sydney where there were greater opportunities for jobs, housing and education.

In the early 1970's a serious overcrowding and homelessness crisis developed. Indefinite numbers of Aboriginal people were without permanent or adequate housing following a series of evictions and general racial discrimination in the private housing market. The lack of affordable housing for Redfern's increasing Aboriginal population resulted in a group of Aborigines squatting in empty terraces on Louis Street, in December 1972. These dilapidated terrace houses were 80-100 years old and were largely shabby and ramped, with tiny, 12 feet wide double story properties. Under a 'blind-eye' agreement with the owner-developer, the squatters organised themselves and formed a company, known as the Aboriginal Housing Company (AHC). The Block is land dedicated for use by Indigenous Australians, and continues to be under the management of the AHC. This is an area enclosed by Eveleigh, Louis, Caroline and Vine Streets.

The AHC, the first housing collective in Australia, was incorporated on 25 July 1973 under the New South Wales Companies Act 1961 (now the Corporations Act.) as a company limited by guarantee. Subject to the legal constitution of the Company, an initial grant of \$530,000 from the Federal Government allowed the AHC to purchase and restore the first 29 terrace houses. This initial acquisition in Redfern, facilitated by the Whitlam Government, was the first urban land-rights grant/project in Australia. Wattie Creek preceded the Redfern project as the first rural land-rights grant. The Aboriginal population of Redfern tripled between 1976 and 1981, primarily as a result of this housing project.

Mr. Dick Blair (now a Pastor), one of the 11 original directors of the AHC, said on behalf of the AHC:

"The whole aim of the project is to bring Aboriginal people together so that we can live in the way we want to live and share what we have with one another. Many of us are now living in slums and pigstyes because we cannot afford the high rents. It is difficult to get jobs because we have no skills and because white people don't want to employ us. We can't be proud to live in these conditions. But when we are living together we will be able to help each other to learn skills and to get jobs and, most importantly, we will be proud of our houses and proud of our community. Our children will be able to grow up with more opportunities than we had and they too will be proud of their community and proud of themselves. All we ask is that we be given a chance to prove that it can work".

The current Aboriginal residents of Redfern have come from many different Aboriginal lands and communities, resulting in a significant intra-cultural diversity within this local community. Presently, the Block is land dedicated for use by Indigenous Australians, and continues to be under the management of the AHC.

In the 1990's the floating population of the Block was 400-600 people, which included some of the most disadvantaged people in the State of NSW, with 50% higher proportion of people living in rented premises and a 50% higher proportion of residents receiving welfare benefits compared with the whole population of NSW.

The cultural diversity of the community is also relevant in that it covers the entire spectrum of cultural awareness. There are some people living here who have had a very traditional upbringing. Alongside them there are people who have had no traditional Aboriginal living or who were taken away from their families during the Protection Board era and do not know where they originate from, or more importantly who their people are.

In the 1990's community organizations were developed in Redfern; the Redfern Aboriginal Corporation which is a CDEP (Community Development and Employment Program) funded program which specializes in training Aboriginal people for screen-printing, sewing, administration, carpentry and bricklaying, Aunty Polly Smith's Centre - Mother and Babies program, Naamoro - Aboriginal Employment. The community also set up a community Vegetable Garden which was cared for by the community.

The Block over the years has had much exposure from the media and official inquiries, the results of which were not all good. In the five years of my residence on the block I witnessed three police raids, many bag snatches, fights. I heard of sexual abuse on our young children, the selling of drugs and murder. After saying all that, we parents tried to keep our young children protected and safe in the community. There has always been a sense of belonging, friendship and kinships ties lasting a lifetime, children growing up and calling their neighbors, who aren't blood kinship terms such as "aunt", "uncle" and "cousin". We have instilled pride in our children where colour wasn't an issue and respect was everything. If you were hurt or hungry you would always have someone tend to your needs.

In 1992 I was employed at Murawina Pre-School in Eveleigh Street as an Aboriginal Consultant. I was getting tired of the negative exposure that we in the community were getting from the media and other communities, I facilitated a meeting with the five Aboriginal Community Organisations where we set up a committee to plan activities for National Aboriginal Week. The week's events were a huge success and showed the community in a positive light.

Many residents of the Block have achieved well in their fields, such as Shirley Smith (Mum Shirl), Brendan Williams who now lives in Italy and plays Rugby Union, Norma Ingram who went to Harvard University in America and completed her Masters in Adult Education, Lee Hookey who plays first grade for South Sydney Rugby League Club, Shane Phillips the first Elected ATSIC Councilor for Inner City Region, Anthony Mundine (Boxing and Rugby League) and Willy Gordon (Rugby Union).

Many famous people have also visited the Block; Michael Jackson (1987), Whoopi Goldberg (1990), Janet Jackson and Danny Glover. Rap Artist; Public Enemy, Ice T, NWA, ToneLoc, Arrested Development. Local bands filmed their music clips involving the Aboriginal community people Midnight Oil - Beds are Burning and Yothu Yindi.

Sydney 2004 Riots on the Block

On Saturday 14 February 2004 an Aboriginal youth named T. J. Hickey was riding his bicycle in Redfern. He fell off and impaled himself on a fence and he died in hospital on Sunday 15 February from his injuries. Rumours spread like wildfire through the streets of Redfern that the youth died after being in a police pursuit, a claim the police deny.

Tension began building following the death of T. J. Hickey. After dark on Sunday 15 February full scale rioting broke out. It was not quelled until the early hours of Monday morning by which time, reportedly eight police were hospitalised and another forty were injured after being pelted with bricks and Molotov cocktails in scenes which have been broadcast around the world.

Aden Ridgeway, Australian Democrat Senator states that they (the riots) came as no surprise to him or any person who is familiar with the volatile dynamics of Redfern, and the wider issues in Aboriginal politics in this country.

When there are layered multiple losses and boundary violations by authority figures who have made themselves powerful over particular groups, the source of anger, which can become a deep rage, is sometimes unrecognised, and often denied. This anger may be displaced onto other or turned inwards (Williams *et al.* 1992; Wilson 1988b). Often the suppressed rage suddenly erupts, triggered by some seemingly unrelated event. The explosion can be extremely dangerous because the rage is always physically intense and without boundaries. (Atkinson, 2002: 80) ***Was the riot an immediate retaliation for the tragic death of T.J. Hickey or was it the last straw because of feelings of victimization by police over generations?***

Not one person condones the violence that was used in the riots that night but one needs to address the multiple violations that the community has been experiencing over the past 30 years by the hands of authority figures.

In 1968 the “Black Power Group” was formed in Redfern, which comprised of Billy Craigie, Paul Coe, Tony Coorie, John Newfong, Alana and Samantha Doolan, Gary and Norma Williams, Pam Hunter, Isobel Coe and others. (Heather Goodall, 1996,p338). They gathered information on regular Police raids against the Aboriginals who frequented The Empress Hotel in Redfern so they could use this information for political mileage.

In 1968 Redfern police called in the a special police division, known as the 21 Division to patrol the Aboriginal community with systemic raids. Then, in the late 1980s, they called in the Tactical Response Group (TRG), which was responsible for violent raids in Redfern in 1987.

I interviewed one woman whose family home was raided on February 8, 1990. She said that ten officers used sledge hammers to break down her front door. It wasn't until they invaded her bedroom that she knew what was happening. The police held guns to her children's and partner's heads. The children's ages were then 11 years, 9 years, 2 years and 6 months.

During the search officers tipped the children out of their beds and threw the contents of draws on the floor.

The psychological impact on this family was quite dramatic. The speech of the 2-year-old boy had been affected together with bedwetting and nightmares and the hair of oldest son (11 years) went grey. The children went through six months of intensive therapy.

Not long after the raid the youngest boy attended Murawina Pre-school located in Eveliegh Street, Redfern. Murawina and Redfern Police were setting up programs in building Police/Community relations. The children had an excursion to the Redfern Mounted Police. A Police vehicle was used to give the children a ride in the cars with the sirens on. The 2-year-old boy refused to get into the police car and broke down crying and wetting himself. Although the young boy was toilet trained, upon hearing any sirens would wet himself.

The oldest boy was pulled over for riding his pushbike on the wrong side of the road in Redfern, each time he is questioned by the Police he is petrified and cries.

The second eldest son, who was 9 years old at the time of the raid, was pulled over by the Police in 1999 (by then he was 18 years of age) whilst driving with his girlfriend in the main street of nearby Marrickville. The vehicle was searched for drugs and he was then strip searched. He was arrested for 1. Resisting Arrest, 2. Offensive Language and 3. Assaulting Police. The vehicle was registered to his mother and there were no driving offences attached to the number plates.

Acts of violence and experiences of trauma are like the ‘pebbles in the pond’ to which Figley (1986) refers. The experiences contain many layers of pain that are inexplicable to the outside observer and often cannot be described by the traumatised person. The body may speak what the tongue cannot (Wong and McKeen 1992). The trauma of that night still haunts them.

After the 1990 raids the community and police went to work to build better relationships. Aboriginal Cultural Programs were conducted on the block for new police recruits, children were encouraged to attend the Police Boys Club by providing transport to and from the venue. Police and Murawina Aboriginal Early Childcare Centre set up a program where the children would visit the mounted police at Bourke Street, Redfern.

Ridgeway notes “The Block” has its share of drug, alcohol and dysfunction problems, just like any other community where poverty is rife.

Are the alcohol and drugs problems due to poverty like Ridgeway says or is it the response to human trauma where studies have showed an increase in alcohol and drug misuse?

What is exceptional here is that we have a community of Aboriginal people living in Australia's largest and wealthiest city. They have life's infrastructure at their fingertips - and yet the opportunities of life in the big city are not within their reach.

Why is it that many of these young people do not stay on at school? Why is it that their parents invariably can't get a job and why is it that both adult and young are over-represented in the criminal justice system?

I would doubt whether there is one Aboriginal person working in local retail outlets and nor would any of the larger retail stores ever consider moving to the area.

Most local Aboriginal people work in the services sector, predominantly for local Aboriginal organisations involved in health, housing, employment, women and children's services.

The main employment of Aboriginal people in Redfern is the Community Development and Employment Program (CDEP) is work a for the dole scheme that had been running for some 20 years prior to the current scheme. Why do so many Aboriginal people enrol for these programs? Is it because these programs establish a culturally safe environment for workers?

I have suggested that the Aboriginal community in Redfern are suffering post-traumatic trauma. It is difficult to progress as long as this pattern of recycling trauma and dysfunction generation after generation is allowed to continue.

So what does that mean to Aboriginal Client Services Officers within the Law and Order Sector of our community and more specifically, Probation and Parole; when we are dealing with a community that needs ***'HEALING'***. Despite several inquiries conducted into violence in Redfern, no recommendations have been made in relation to mental health and the general wellbeing of the Community. Redfern has suffered many years of alcohol and drug abuse, violence, poverty and unemployment there has been no long-term programs to assist in their recovery to maintain a safe environment for themselves and their children.

A Success Story

Redfern has its success stories. I have known TS for a number of years and am privileged that she trusted me to tell her story.

TS is a young, Aboriginal single mother from Redfern. She spent her young years living happily on the Block amongst family and friends. Her father was the drummer/singer of a local band as well as a handyman, bus-driver and actor whilst her mother was a pre-school worker. It was a little hard for TS to find her own identity, always being identified as her father's daughter. She was proud of him, but it wasn't easy for her to find her own place in the world.

TS' life changed in 1988. Her father died from a heart attack and her sister died within a year of her father. At 16 years old, TS was pregnant and in trouble with the law. The court decided that with the traumatic events leading up to her crime she would be better to stay within the Redfern community to get help.

By 1998 TS was into hard drugs and in and out of gaol for crimes she committed to feed her drug addiction. TS stated that her pattern of reoffending would re-emerge once her probation and parole orders were finished.

TS stated that whilst on heroin she felt no emotions, making it easy not to deal with the realities and the trauma of losing her father, sister and great-grandmother. The friends in her life at that time were like-minded people, with whom she shared her life of crime and drugs. She now calls those same people associates as opposed to friends.

TS had family support throughout her years in trouble, but the crunch came when her mother would not let her into the house because she would steal. She would find shelter in empty houses or crash at friends home. She signed her children over to her mother before the Department of Community Services came and took them.

Even after four overdoses, TS couldn't admit she had a problem and when she did try to give up she was sick not just feeling sick but sick with pain and muscle aches. TS was ordered to attend a MERIT (Magistrates Early Referral Into Treatment) program and not knowing what the program was about she assumed it was Narcotics Anonymous and didn't attend.

TS became sick of her life and in 2001 made a decision to quit drugs. She has been clean for the pass 2 years. She can now reflect on her life, being quite critical of her past behavior and she blames no one. She understands why her mother stopped her from being in the house and shows no animosity towards her. She also feels remorse towards the people she stole from.

Whist TS was in Mulawa Women's Correctional Centre, she went onto a Methadone program, explaining that the first dose was 30 ml, and every 2 weeks would increasing 5 ml till she reached 120 ml. Upon release, she stayed with the program and her dosage is being reduced 5 ml every month till she reaches 30 mls. She will then go on to tablets and hopefully be off the program within the year. I asked TS why she didn't try the Methadone program before and she laughed and talked about the side affects other people

told her about, such as rotting teeth and weight gain. I have since learned that the rotten teeth are caused by the sugary syrup in which the methadone is dispensed, unless the person manages their dental hygiene. Weight gain could happen, as the person might be eating more. TS believes that gaols should educate people about the methadone program, which would better inform them on the advantages/disadvantages instead of receiving the wrong information.

Whilst at Mulawa, TS was studied Aboriginal Studies and worked in the nursery, which she says, gave her no skills for work on the outside. She talked about art being good therapy for her moods but spoke about the limited access to art supplies once released.

The last time TS had any formal education was in 1989. She has now completed an Associate Degree in Aboriginal Health with high distinctions from Curtin University in Western Australia, being awarded best achievement in clinical practice. Curtin is the only University in Australia that offers this course and the Aboriginal Medical Service in Redfern sponsored her.

Prior to her studies TS had a criminal check done and had to obtain clinical clearance for work experience in a hospital for, although her crimes were petty, they were drug related. The Department was worried on how she would deal with the temptation of drugs when working in a hospital with easy access to them. With the support of family and co-workers she faced the difficult task of explaining her history of drug taking and her offences. She passed with flying colours. Her long-term goal now is to work with children and women with drug problems.

TS spoke about how Probation and Parole and Aboriginal Client Service Officers were very supportive and encouraging and culturally appropriate. She had no problems with the gender of the officers but did mention feeling uncomfortable in discussing women's issues with male officers.

Conclusion

Tracey now has a new baby and a new chance at a better life. She has been offered work with the Aboriginal Medical Centre in Redfern and will be able to start work once she secures a childcare placement. She has a home and custody of her young son. She still has unlimited support from her family and community. She is even a lot more assertive with her old associates when they ask for money.

Challenges

The Probation and Parole Service and The Block

In New South Wales, Aboriginal people represent 2% of the population. However, in May 2004, Indigenous prison inmates statistics reports showed that Aboriginal Women made up 28.7% and Aboriginal Men 18% of the total population in NSW prisons.

There are 107 Aboriginal Clients at the Newtown District Office of the NSW Probation and Parole Service, which services Redfern and nearby suburbs. Of these, 32 are females and 75 are males. Their major offences are Larceny, Greivous Bodily Harm, Break Enter and Steal, Driving Offences and Robbery. Of the 107 Aboriginal clients, 64 are alcohol and/or drug dependant. The main supervision orders for clients are Good Behaviour Bonds and Parole.

Probation and Parole Outreach Office on the Block

Due to the large number of Aboriginal Clients from the Redfern area being breached for non compliance and Probation and Parole Officers feeling uncomfortable in doing home visits on the block, the City District Office (which previously managed the Redfern area) developed strategies to address them. An Aboriginal Probation and Parole Officer was employed and consultation entered into with the community. With its support, an outreach office was set up on the Block in 1994. This new initiative gave probation and parole officers exposure to Aboriginal social and cultural issues in the community . Aboriginal clients felt less pressured, more comfortable and less shamed in reporting. With the establishment of Probation and Parole on the Block the number of breaches of orders for non compliance declined.

Walking Together Programs

The Walking Together, Aboriginal Men's Program was developed due to a failure of Aboriginal clients to attend mainstream justice programs. The development of the Walking Together program took into account Aboriginal learning and communication styles and has also adopted crime prevention strategies. The program was developed to operate in an environment that promotes safety, without judgement and prejudice. This gives clients the feeling of being safe and feeling safe when discussing sensitive issues.

The *Walking Together* Aboriginal Men's Program, in Redfern is based on extensive consultation with the Aboriginal community and agencies on design, content, facilitators, venue and costs. The program targets Aboriginal clients from suburbs covered by Newtown District Office (including Redfern, Waterloo and Newtown and also the suburbs covered by the nearby City District Office (La Perouse, Matraville and Woolloomooloo).

Atkinson states "Prison programs generally do not provide life skills, nor allow (offenders) to deal with original trauma, which is a fundamental part of their offending cycles. (Atkinson, 2002: 253). The *Walking Together* Program itself has a component on crime prevention and strategies for clients to make a smooth transition back into the

community and lower recidivism rates for Aboriginal male offenders. The program has a component that addresses trauma and family violence. The program would also increase public confidence in the administration of justice by enhancing the rate at which supervision orders are successfully completed. Anecdotal evidence has shown that culturally appropriate and community-based programs are most successful in behavioural and re-socialisation in Aboriginal people.

It is considered that the success of this program is dependant upon the ongoing support and development of improved working relationships between this Service and the Redfern community. A Steering Committee oversees the ***Walking Together*** program in partnership with Probation and Parole. The Steering Committee is made up of community people, government agencies and local Aboriginal organisations.

The ***Walking Together*** Programs evaluation is conducted over the ten weeks of the program. Unfortunately, due to budget restraints it has not be possible to evaluate the programs participants over a long period.

The Walking Together Program was piloted in 1998. Since 2002 the program has been conducted twice yearly. There have been 75 participants and it has been recorded that 6 clients have committed minor crime after attending the program. The minimum of participants on the program is 10 with the maximum of 15, which makes the group more manageable and allows one on one counselling. Attendance rate for all programs have been approximately 80%with a low drop out rate.

Case Study

One participant had a long history of incarceration and had just been released from a six year sentence. Prior to entering the program the client was homeless and ended a bad relationship, his family had disowned him due to his drug problems and stealing from them. In the first few weeks he showed signs of anti-social behaviour and had limited communication skills. After week six of attending the programme he now interacts and participates in all sessions. The program has assisted him with housing and in stabilising his lifestyle.

Since the conception of the ***Walking Together*** program Aboriginal community groups have shown interest in the Development and Implementation of the program in their areas. Places such as Tharawal, McLean, Yamba, Tabulum and Cessnock have inquired about the ***Walking Together*** program.

Women's Program

Aboriginal women in custody represent 28.7% of the entire population of females incarcerated in NSW. There is currently no specific programs able to meet the unique and multiple needs of female Aboriginal offenders. Existing services in the community are unde- resourced and in high demand, limiting the opportunities for women to access support and inhibiting their chances of rehabilitation.

The Probation and Parole Service is currently developing a program for Aboriginal female offenders in the Redfern and nearby areas.

The main objective of the program is:

- ◆ *To provide a culturally sensitive intervention program targeting criminogenic behaviours for Aboriginal Women who are clients of the Probation and Parole Service and/or ex-inmates of the custodial environment.*
- ◆ *To provide a diversionary program as an alternative to imprisonment, in line with the “Royal Commission into Aboriginal Deaths In Custody” and Departmental strategic focus.*

The program format will be similar to that offered by way of the Walking Together Aboriginal Men’s program. It will incorporate a two-day cultural camp, ten weekly sessions at one day per week with focus on criminogenic factors and cultural awareness and a graduation ceremony at completion of the program. The camp, graduation ceremony and some day sessions (when appropriate), will be held at culturally significant sites. The incorporation and utilisation of the Department’s Elders Program to provide support for the women, is envisaged.

Other Programs

We also need to consider other programs that are culturally sensitive and are successful in other communities. The ‘Rekindling the Spirit’ Program at Lismore has received three awards a Silver Medal at the Premier’s Public Sector Award 1999, an award and Certificate of Merit at the Australian Violence Prevention Awards 200, and a CAPAM Certificate of Achievement in 2000. The main focus of the program is holistic looking at the problems of Aboriginal families with special attention to issues of domestic violence, drug and alcohol abuse and child abuse or neglect. Liaising with the coordinator of this program will be invaluable for support and sharing of information and ideas.

Community Justice Groups

As conviction rates are low in the Redfern area Circle sentencing is not an option at this time. Setting up a Community Justice Group would be more appropriate in the inner city. The Community Justice Group would support community organisations that supervise Aboriginal Clients on Community Service Orders.

The Community Justice Group’s main role will be:

- ◆ Setting up partnerships with local magistrates, local police commander, probation officers, Registrar of the Local Court
- ◆ Managing court orders
- ◆ Developing crime prevention programs.
- ◆ Helping people get bail
- ◆ Providing advice to courts
- ◆ Keeping people out of custody

In NSW training is available for community people to establish a Community Justice Groups and can be conducted in their communities. The Aboriginal Justice Advisory Council (02) 9228 8105 can provide advice, information and support.

The setting up a Community Justice Group in Redfern it will provides a direct way for the local Aboriginal community to become directly involved in solving their own problems and making sure that the justice system works for them and for people in their communities as both victims and offenders.

Sexual/Violent Clients

Another great challenge is with clients whose criminal background includes sexual and/or violent offences. Reintegrating them into their community is difficult when it does not want them. Housing of these clients is almost impossible within the Aboriginal Community and Public housing sector. Our duty of care does not stop with the Client!

How do we educate our clients and Aboriginal communities about Probation and Parole?

Marketing is the key word here. Our main mission is the reduction of re-offending behaviours in our communities. We need to consult both with clients, community and government agencies. Posters, flyers and workshops need to be coordinated to inform the communities of programs we conduct. We need to set up partnerships with communities for the success of these programs.

I have mentioned a few challenges, which need many hours of consultation and educating not only of probation and parole staff on Aboriginal cultural needs but also educating Aboriginal communities on the role and function of probation and parole.

Implications

What are the practical implications for people working under the umbrella of Law and Order with Aboriginal offenders and within the communities in which they live?

The Royal Commission into Aboriginal Deaths in Custody acknowledged cultural differences as critical factors in the breakdown of communication, which supported the creation of barriers to effective teaching, learning and general communication with Aboriginal people. (Aboriginal Deaths in Custody - Vol 2 p350)

From a practical perspective the Aboriginal Client Service Officer (ACSO) needs to provide advice and guidance to probation and parole staff in the case management of Aboriginal offenders in a culturally sensitive manner. When dealing with Aboriginal people as clients, workers, community and elders there are guidelines to be adhered to, if these are followed it is less likely that breaches of protocols will cause offence to Aboriginal people and their communities in general.

From our experience, the following protocols and understandings are helpful in working with Aboriginal offenders, their families and their communities

Aboriginality

Respect should underlie verbal and written communication with and about the “Aboriginal.” The words “Aboriginal”, “Torres Strait Islander” or “Indigenous” should always be capitalised as are such adjectives as “Australian”, “Fijian”, “Irish” or “German”;

Part and parcel of all Aboriginal Policy, from 1788 to the 1960s, was the process of categorising people’s “Aboriginality” according to their level of Aboriginal “blood” and then applying specific laws to these categorisations - that is, defining identity by legal status on the basis of assumed genetic characteristics.

The New South Wales Aboriginal Protection (Amendment Act of 1936) retained the earlier, somewhat careless definition of the 1909 Act – ‘any full-blood or half-caste Aboriginal’ and this has probably confirmed administrative habits, by which Welfare Board’s officers applied rule-of-thumb methods to assert control or to deny assistance on the basis of personal appearance. Terms such as “half-caste”, “full-blood”:, or “quadroon” are offensive and outdated.

A decade or so after the 1967 Referendum the Commonwealth in consultation with Aboriginal people developed a working definition, which had been endorsed by the High Court and is stated in the NSW Land Rights Act 1983 No 42.

The practice of questioning Aboriginality because of visual appearance is insulting. A person must be able to fulfil the three working definitions to be recognised as an Aboriginal.

- ◆ A person must be of Aboriginal and/or Torres Strait Islander descent.
- ◆ A person must identify as an Aboriginal and/or Torres Strait Islander person.
- ◆ A person must be accepted as an Aboriginal and/or Torres Strait Islander person by the community in which they live

When hosting a significant event involving Aboriginal people it is important to find out who are the Traditional Owners. It is courteous to acknowledge the Indigenous custodians of the country upon which you hold your event/meeting. Even the briefest acknowledgment is a mark of respect and brings the awareness of the original connection to land to the occasion. A simple format for such acknowledgment could be as follows “I wish to acknowledge and honour the custodians of this land, the “... People”,

Or

“I would like to pay respects to the traditional custodians of this country, the “... people.

When case managing or setting up programs it is important to consult with an Aboriginal worker or specific community organisation. Proper consultation even for Aboriginal staff is important in any planning for activity involving the Aboriginal community. Evidence of consultation must be kept and follow-up ensured. If this process is not monitored you will be seen as tokenistic or yet another Government agency assuming that it knows what is good for the community not what the community needs are.

Finding the right people within a community to speak too is equally important. Indigenous communities, whether regional, urban or remote, have appropriate organisations and individuals to approach for specific purposes. For initial inquiries and contacts, consult the local Aboriginal Support and Planning Unit (in NSW on 9289 2676) or an Aboriginal staff member within the relevant Department.

When making contact with Aboriginal communities for the first time they like to know who you are connected with, and how you fit into familiar networks. Trust can be built through establishing links with these people, and strengthened through the way further transactions are undertaken.

It is important that those who approach Aboriginal communities or individuals do not become caught up in local politics, or feel constrained to act on the instructions of a particular group. If in doubt, confirmation on what course to take should be obtained from the relevant Aboriginal Support and Planning Unit or Aboriginal staff within the relevant Department.

Confidentiality and privacy are essential when working with Aboriginal people and Community. Aboriginal people have traditional customs, stories and sacred information that may or may not be passed on. Similarly when customs, stories and sacred information is given to you, it is given in trust. The trust requires that you respect that confidentiality. To breach community confidentiality by translating, reproducing or passing on any information, practices or cultural product without permission would be devastating to your project and erase trust developed during consultation and negotiation processes.

Men's and Women's business are very important and sensitive issues within Aboriginal culture. This information may only be talked about, negotiated and consulted on by either men or women. It should also be recorded or stored in a way that only men or only women have access to it as appropriate.

When organising a training session on Aboriginal cultural issues, one misconception that some non-Aboriginal people have is that all individual Aboriginal people know everything about all the issues. It is not so and often leads to misconceptions and miss-information. Aboriginal people who are not local to the target area of training should not make decision or give comments without prior discussion with the local community. A list of stakeholders should be made and consulted when training issues are being considered for the purpose of protocol, knowledge and culture for their areas. Aboriginal people can give personal talks that pertain to them but must consult their stakeholders when discussing community issues.

When communicating with Aboriginal clients it's important to note cultural differences when it comes to language. Most Aboriginal learners are multilingual, or at least bilingual, in that they operate within a complex network of language use within their own communities and schools (Davies, Grove and Wilkes, 1997, p33)

Where dealing with an Aboriginal person who has had considerable schooling and even some post-secondary or tertiary education or lengthy employment with predominantly non-Aboriginal co-workers, it is possible that this person may competently participate in legal interviews. However, it is thought that most of the Aboriginal English speakers who come into our system have had marginal and/or largely unsuccessful participation in mainstream Australian education and employment. Hence, they have had little chance to develop this bicultural competence.

Aboriginal people all over Australia are fluent and competent communicators. (Eades, 1993, p5).

Checklist to assess Aboriginal inmate bicultural competence

- ◆ Does the person use a rather light variety of Aboriginal English ie pronunciation, grammar and vocabulary
- ◆ Has the person completed high school?
- ◆ If not, has he/she studied for at least two years in a job where most of his/her interaction was with non-Aboriginal workers?
- ◆ Has the person interacted primarily with non-Aboriginal people in his/her work, leisure/sport and residence for at least two of the last five years?

Note: If they answer yes to at least two of these questions, then there is a good chance that the person has some degree of bicultural competence.

Listed are some strategies when interviewing Aboriginal clients

- ◆ Be prepared, by allocating more time for taking instructions or interviewing your Aboriginal client than you usually do.
- ◆ Establish an exchange of background information with your client tell him/her where you grew up, how long you been in the job and any sporting information. Provide the opportunity for the client to reciprocate, using brief silences before resorting to questions. It may seem to you, that to divulge personal details would be totally irrelevant to the interview. But there can be no doubt that this two-way process is such a central element in Aboriginal ways of seeking information that its incorporation in the interview of Aboriginal people is strongly advised. You should feel no pressure to divulge any information. The time that you spend on this seemingly irrelevant “chit-chat” will save you much time later and produce a much more effective interview.
- ◆ Tell the Aboriginal client that your job for him/her involves finding out about many things, such as...(name and a few areas of your interview questions). If appropriate, tell the person that you need to know about these things so that you can help him/her. Where possible avoid long words.
- ◆ Tell the person that you are looking for anything he/she knows that would help them. Do not rush; give the person sometime to think.
- ◆ As far as possible, use invitations, hints and triggers rather than questions.

Avoiding Questions

In Aboriginal conversations direct questions are used in some settings (eg “where’s he from?”). But in situations where Aboriginal people want to find out significant or certain personal information, they do not use direct questions.

Asking Questions

In Aboriginal interactions, information is sought as part of a two-way exchange. Hinting, volunteering information for confirmation or denial, silence and waiting until people are ready to give information, are all central to Aboriginal ways of seeking any substantial information.

Understanding Aboriginal Answers

Aboriginals often agree to a question even if they do not understand it. That is people say “yes” in answer to a question it often does not mean ‘*I agree with what you are asking me*’. Instead, it often means, “*I think that if I say ‘yes’ you will see that I am obliging, and socially amenable and you will think well of me, and things will work out between us*”.

Cultural traits in Aboriginal communication

Silence is an important and positively valued part of many Aboriginal conversations often indicating a speaker's desire to think. Aboriginal silence in interviews can easily be misinterpreted as evasion, ignorance, confusion, insolence or even guilt. There is an important cultural difference in the use of eye contact. In Aboriginal interactions it is frequently avoided, as it is considered threatening or rude. Aboriginal avoidance of eye contact should not be interpreted as rudeness, evasion or dishonesty.

Either-or questions

Aboriginals are often confused by “either-or” questions, that is, questions which ask the person to choose one of two alternatives. Aboriginal answers to such questions often but not always, refer to the last alternative proffered.

Quantifiable Specification

In giving specific information, Aboriginal speakers often tend not to use expression of quantifiable specification (such as numbers or days of the week) or else they use them vaguely, inaccurately or inconsistently.

The legal system is founded on the question-answer method of arriving at the truth of a matter but Aboriginal people frequently avoid questions, preferring much more indirect methods of finding out information. I have listed some strategies, which can accommodate some of these cultural differences and lead to more effective participation of Aboriginal people in the justice system.

References/Bibliography

Aboriginal Housing Company web site
<http://www.aboriginalhousingcompany.com.au>

Foley, Gary, Koorie History web site
<http://www.koorieweb.org/foley/indexb.html>

Goodall, Heather, *Invasion to Embassy: Land in Aboriginal Politics in NSW, 1770-1972*, Sydney, Allen and Unwin, 1996

Wong, B., and McKeen. J. (1992) *A Manual for life*, British Columbia: PD Seminars

Silva, Tracey, Personal Interview (2004)

Aboriginal Justice Advisory Council: www.lawlink.nsw.gov.au/ajac

Atkinson, Judy, (2002), *Trauma Trails Recreating Song Lines*, Spinifex Press

Ministerial Council on the Administration of Justice (2001) "Indigenous People's Justice Issues - Jurisdictional Reports on National Commitment to Improved Outcomes in the Delivery of Services for Aboriginal Peoples and Torres Strait Islanders". *Corrective Services Ministers' and Administrators' Conference*, Canberra, 15-16 May 2001.

Williams, Lisa (2004), *Aboriginal Social and Cultural History*, assignment for Bachelor of Community Management and Adult Education

The Sydney Morning Herald, February 8, 1990 *Blacks call for inquiry into raids*

Article edited by Ian Miller *The underlying causes of the Redfern riots run throughout Australia*. Monday, February 23, 2004

Eades, D (1992), *Aboriginal English and the Law*, Queensland Law Society Inc., Qld.

