



TRANBY'S RESPONSE TO THE NIAA'S REQUEST FOR FEEDBACK ON THE INDIGENOUS SKILLS AND EMPLOYMENT PROGRAM DISCUSSION PAPER DATED JULY 2021



Dear Minister Wyatt

**Response to the Discussion Paper on Indigenous Skills and Employment Program (ISEP)
July 2021**

Tranby has carefully considered the July 2021 discussion paper on the new Indigenous skills, engagement and employment Program (ISEP). Tranby also took part in the ISEP Town Hall on 16 September 2021.

The NIAA has sought feedback on what is working well and what are the areas of need that Indigenous-specific employment investment can address. The NIAA has advised that the final design of the package will provide tailored, local investment, suited to local labour markets and able to respond to emerging employment opportunities in collaboration with states and territories, Indigenous communities, industry and business.

Tranby has decided to focus its comments on Indigenous communities in the greatest need and who are suffering the most under the current mainstream system. Tranby believes a new approach is needed to improve, over time, the lives of our community in remote, rural and regional areas where mainstream jobs do not exist now, in the recent past and are unlikely to exist in the foreseeable future. Tranby believes that a new approach to “work” needs to be designed for these communities to create Indigenous work opportunities that are meaningful, improve self-esteem and support culture. The goals are to return control of Indigenous jobs to the community, support Elders and community leaders and to stop the debilitating and destructive dependence on unemployment benefits in communities where there simply are no mainstream jobs.

We have also included recommendations on recognising cultural obligations in the mainstream workforce and integrating an Aunties and Uncles program as part of the new Australian Curriculum.

Yours sincerely



CEO



About Tranby National Indigenous Adult Education & Training (Tranby)

Tranby is a National Indigenous Owned Registered Training Organisation (IRTO) and was incorporated in 1957 as the Co-operative for Aborigines Limited. Tranby provides specialised vocational education and training for Aboriginal and Torres Strait Islanders adult learners from around Australia. Tranby is a member of the peak body for IRTOs, the Alliance of First Nations Independent Education and Training Providers Limited (the Alliance) incorporated under the Corporations (Aboriginal and Torres Strait Islander) Act 2006, the peak body for IRTOs. Tranby is a registered provider with Supply Nation.

Preliminary Comments

Tranby has responded to each of the six questions in the Discussion paper but has presented its response as a series of proposals.

Responses to Questions are as follows:

Question	RESPONSE
1. How should the Indigenous skills, engagement and employment Program (ISEP) work alongside the new employment services model and the new remote engagement program to build work-ready skills and connect Aboriginal and Torres Strait Islander people to rewarding, sustainable jobs?	Preliminary Comments C. Recommendation 3
2. How could IAS investment be designed to be more flexible and responsive at the regional level, and better meet the needs of the community for Indigenous job seekers and employers?	Preliminary Comments C. Recommendations 3e, 3h.
3. How should results of the new ISEP program be measured, monitored and evaluated to ensure investment contributes to closing the gap in employment outcomes?	Preliminary Comments C. Recommendations 3d and 3h
4. How can we embed shared-decision making in community-based workforce planning?	Preliminary Comments C. Recommendations 3e, 3h.
5. How can the ISEP encourage potential employers of Aboriginal and Torres Strait Islander people to provide safe and	Preliminary Comments C. Recommendations 1, 4 and 5



culturally appropriate work environments? How can employers' better value the skills and perspectives of Indigenous employees?	
6. How should the ISEP consider a local focus?	Preliminary Comments C. Recommendations: 1, 2d, 3b,4d, 5.

A. THE FORMAL INTRODUCTION OF MAINSTREAMING AND THE FAILURE TO CONSULT

Tranby is concerned about the formal introduction of mainstreaming employment services for Indigenous Australians without consultation. At most the request to identify a "gap" in services as an "add-on" to the new employment services model and the new remote engagement program indicates consultation was an after-thought. Mainstreaming has happened without open consultation with Aboriginal and Torres Strait Islander people and perpetuates the problems associated with welfare dependence.

Simply asking Aboriginal and Torres Strait Islander people to identify the gaps in mainstreaming denies Community the opportunity to design a model for employment services that recognises and supports Aboriginal and Torres Strait Islander people's culture and cultural obligations. It fails to accept that being "work ready" in remote and some rural and regional communities where there is no "work" as defined by the non-Indigenous community, is destructive and perpetuates the many, if not all, of the problems of welfare dependence in those communities.

We are profoundly concerned that the goal of mainstreaming is to deny Aboriginal and Torres Strait Islander the opportunity to build a culturally appropriate, safe and sustainable employment model that supports and recognises Aboriginal and Torres Strait Islander culture and cultural obligations. Many have argued mainstreaming aims to assimilate Aboriginal and Torres Strait Islander into the non-Indigenous community by pressuring them into non-Indigenous "work", where that "work" has no place and does not recognise, Aboriginal and Torres Strait Islander culture and cultural obligations.

B. WELFARE MODEL CAUSES THE BREAKDOWN OF CULTURE AND CULTURAL OBLIGATIONS

The current "unemployment" welfare model has caused many of the problems within Indigenous communities that need to be addressed:

- Disempowerment through unemployment welfare dependence;
- Disrespect of Elders and failure to undertake caring obligations;
- Increasing withdrawal by Indigenous adults and youth from the welfare model caused by onerous and pointless welfare requirements to apply for limited or non-existent jobs including training for jobs that do not exist on Country;



- Non-Indigenous shaming of Indigenous adults and youth who are unable to obtain employment leading to a sense of anger, frustration and hopelessness. Non-Indigenous shaming of Indigenous unemployment welfare recipients with penalties for not applying for non-existent jobs and with the requirement for regular meetings about limited or non-existent employment options;
- Increasing withdrawal from the welfare model leaving Indigenous adults and youth with no income resulting in humbugging of family on age or disability pensions and those in paid employment or receiving royalties or compensation payments;
- The non-Indigenous employment model does not support or acknowledge culture and cultural obligations creating tensions and the breakdown of culture;
- The non-Indigenous employment model is based on individualism and the assumption that the everyone's goal is the accumulation of personal wealth. In the non-Indigenous employment model self-esteem is intrinsically linked to a job and income. These are the Western assumptions that underlie the drive to mainstream Indigenous employment. These underlying assumptions are at odds with Indigenous culture and cultural obligations. Indigenous culture is communal and hierarchical not individual and personally materialistic.
- The breakdown of culture and cultural obligations has led to problems of drug and alcohol abuse, poor health and mental health. Drug and alcohol abuse and poor mental health has a flow on effect of increasing community violence and criminal behaviour.

C. BUILDING A NEW COMMUNITY INDIGENOUS EMPLOYMENT MODEL (Response to Question 1)

The responsibility for covering the gap in employment services outside mainstreaming needs to be transferred to remote and, in some cases rural and regional, Indigenous Communities. Elders and Leaders in those Communities may choose to put together a Community Indigenous Employment Plan to ensure all community members have a clear role, identifiable obligations and a reliable income consistent with their needs.

Building the new Community Indigenous Employment Model will require assistance and support to complete each Community Indigenous Employment Plan including developing a budget and agreeing a process for reporting to Government. An outline of the framework could be developed on a community, by community, basis so:

- That the Elders and Leaders in each Community have the options of working with Government to identify all members of their mob and develop a plan establishing each member's role and obligations to that Community. Indigenous adults and youth from other mobs could opt to be included in their local Community or with their own mob; **(Questions 2 and 3)**
- All members are identified to allow Elders and Leaders in the Community to determine what work is required by Community and who in the Community should undertake and be paid for that work;



- The Elders, Leaders and Government can determine a budget for paid work in the Community so that no-one is categorised as “unemployed” and everyone who is able has suitable work and activities to do. Members on age or disability pensions and school age children may participate in paid work if they wish to do so or have cultural obligations that are categorised as paid work; **(Questions 2 and 3)**
- Non-Indigenous paid or volunteer work should not be excluded from the Plan but it should be recognised that community income independent of the plan is likely to be limited; and
- Elders and Leaders have an agreed plan for training and service delivery as well as ensuring that all members meet their cultural obligations as part of their responsibility to Community.

As part of this new approach there needs to be an increase in support for these communities during the transition period:

1. New Indigenous employment be supported with relevant adult education including LLND and financial training, training for rangers, cultural burning, caring for land, sea and waters;
2. Increased ongoing support for community members with drug and alcohol, mental health and domestic and community violence problems. We believe part of the program would be to provide a career path for members of the local community to take on those roles over time. The goal is to transition from the sense of hopelessness and depression to a sense of empowerment and hopefully improved mental health. It will take time.

In summary, Indigenous communities who choose to do so, should be given autonomy, resources and funding to be able to manage their own communities with the goal of breaking the cycle of welfare dependency, particularly in areas where there is little or no likelihood of work within the non-Indigenous meaning of “work”. We believe this would require a new dedicated funding programme as it is outside the remit of the IAS but may fall within ISEP **(Question 1)**.

We recognise that this approach will require Elders and Leaders developing an understanding of community business management and financial planning, sound governance principles and reporting. It is acknowledged that in many cases Elders and Leaders will need assistance and support which we believe would fall within the IAS **(Question 2)**. IAS funding support would assist in the move towards self-determination, but decision making and accountability must ultimately rest with them and their community. The development of these skills falls within our response to **Question 2**

We also propose additional recommendations that would if adopted:

- establish a new distinct definition of work that supports culture and cultural obligations of Aboriginal and Torres Strait Islanders;**(Question 6)**
- support remote and some rural and regional Aboriginal and Torres Strait Islander communities; and



- identify new work opportunities in urban and regional areas that recognise and support the culture and cultural obligations of Aboriginal and Torres Strait Islanders.

This recommendation builds skills and experience that is also valuable in mainstream employment and business operations for example in management, business and financial planning and training. These recommendations we believe would provide support and practical incentives for community members to obtain mainstream employment where it is available.

RECOMMENDATIONS FOR A NEW APPROACH TO WORK FOR ABORIGINAL AND TORRES STRAIT ISLANDERS

1. Legislative changes to Leave Entitlements to include Cultural Obligations

- Amend legislative leave entitlements to provide specific unpaid leave entitlements for Aboriginal and Torres Strait Islanders to meet their cultural obligations such as attending to Sorry Business where existing mainstream leave entitlements do not cover the cultural obligations or additional leave is required. We recommend 3 days unpaid leave to allow Aboriginal and Torres Strait Islanders to meet their cultural obligations in addition to paid annual or compassionate leave. We believe this formal recognition is important to building non-Indigenous employers, employees and the wider community's awareness of cultural obligations. **(Question 6)**

2. Sharing and Caring or Humbug?

- Indigenous culture works on a "sharing and caring" basis which is at odds with non-Indigenous culture that focuses on individualism and personal materialism. The clash of cultures in some cases results in a sense of entitlement to the income of others without a balancing sense of cultural obligation and respect for Elders. The result is humbugging which can result in a reluctance to move from unemployment benefits to paid employment. This a serious issue that is separate from and different to traditional Indigenous cultural obligations and needs to be addressed as part of each Community Indigenous Employment Plan and any mainstream Indigenous employment programme.
- In 2020 the Kimberley Community Legal Services Aboriginal Financial Elder Abuse Project published a report on Elder abuse and provided dozens of examples of humbugging:

"There's no real job opportunities here [in this small community], less than 5% of the working population can have a real job. There is extra pressure for those who do work, they become the main bread winner for the family. I know of one Aboriginal worker who resorted to stealing in workplace because of this pressure; she got fired, went and hung herself. It comes down to lack of resources, if there was enough to go around, so much pressure would be released."



Stakeholder comment (ACCO Worker)¹

Further at page 28:

Cultural differences are probably NOT the leading reason why there is a high rate of elder abuse within an Indigenous population. Systematic factors are what drives the high rate; factors such lack of access to employment, health care, education and housing support and services. Risk factors such as financial dependency by the perpetrator or poor health or lack of respect for older people have also been found in research as risk factors for non-Aboriginal older people as well. (Sanders, 2005).²

Whilst the Kimberley Community Legal Services Report did not link falling numbers of Indigenous people withdrawing from unemployment benefits to humbugging it is reasonable to assume there would be a correlation between the two.

- c. In 2018 Lisa Fowkes from the Australian National University's Centre for Aboriginal Economic Policy Research warned of an "intergenerational time bomb" in remote Indigenous communities, after finding that almost 6,000 mostly young people have disappeared from the remote work-for-the-dole scheme, and may be receiving no income support at all. When the scheme began in 2015, there were 36,642 people in the program. By June 2019 it had dropped to 30,380. Almost 60% of those disengaging with the scheme were under 25, and another 31% were 25-34 year olds.³

Further Ms Fowkes was reported as saying:

The Community Development Program, which the then Indigenous Affairs Minister, Nigel Scullion, said was designed to "increase support for the most vulnerable job seekers, while ensuring more job-ready participants move into work" has seen a dramatic drop in participants that cannot be accounted for "by job placements or movement between regions".⁴

- d. The goal of the proposed Community Indigenous Employment Model is not a work-for-the dole replacement but to start to rebuild Indigenous communities by supporting and respecting culture and cultural obligations. The model aims to allow each Community to build a model based on local conditions that recognises that culture and cultural obligations differ between communities. One size does not fit all. **(Question 6)**

¹ No More Humbug!!! Reducing Aboriginal financial elder abuse in the Kimberley, December 2020 Kimberley Community Legal Services Aboriginal Financial Elder Abuse Project p26

² Op.cit p28

³ The Guardian [Lorena Allam](#) Fri 12 Oct 2018 "Work for the dole an 'intergenerational time bomb' for Indigenous communities".

⁴ Ibid.



3. Building a New Community Indigenous Employment Model in Areas of High Unemployment (Questions 1 and 5)

- a. Government needs to recognise and accept that little or no mainstream work will in most cases be available in remote and some rural and regional communities now or in the future. Unemployment benefits and mutual obligation requirements are destructive, disempowering and lead to significant health and mental health problems.
- b. Remote and some rural and regional communities with perpetually high rates of unemployment should be given the opportunity to establish a new Community Indigenous Employment Plan to replace unemployment benefits and mutual obligations. Elders and community leaders would need to identify all members of their mob and where they fit in terms of obligations to their mob. Work/activities of value to the community could be agreed by Elders and leaders so that all people who would have historically undertaken roles within the community potentially based on their place within the mob. Funding for the Community would be provided to Community groups based on an agreed Community Indigenous Employment Plan including payments for specified individuals for agreed work/activities that may be undertaken individually or collectively. **(Question 6)**
- c. The goal is to provide jobs/activities valued by Community and paid in a similar manner to non-Indigenous "work", this is not intended to be unemployment benefits because Community members are undertaking work within the Indigenous meaning of that term.
- d. This approach to work and the benefits it creates to the Indigenous communities and the non-Indigenous community has been measured, monitored and evaluated over a number of years **(Question 3)**:

"Sizeable segments of the Indigenous community of northern Australia have demonstrated that, if offered the choice, they will work on land and seas to deliver environmental and conservation benefits that are highly regarded by most Australians. They do this in ways that appear likely to be cheaper than approaches that are more orthodox. In delivering these important services, they maintain better health and so reduce healthcare costs otherwise met by the public."⁵

- e. Furthermore, attempts at mainstreaming in remote areas have clearly failed and will fail at an ongoing terrible cost in the future:

"Policies intended to support the rights of individuals to make choices about place of residence, lifestyle and levels of interaction with the mainstream

⁵ Stephen T. Garnett, Bev Sithole et. al. "Healthy Country, Healthy People: Policy Implications of Links between Indigenous Human Health and Environmental Condition in Tropical Australia" The Australian Journal of Public Administration, vol. 68, no. 1, p.61



*economy (Miller 1985) are now characterised as 'poison' (Pearson 2000) that promote inappropriate choices consigning many to dependency and ~~instilled~~ disadvantage, experienced in sometimes grossly dysfunctional communities"*⁶

(Question 5)

- f. This approach will also address the problem of humbug that is a significant disincentive to paid work over and above unemployment benefits.
- g. Whilst it is acknowledged that this community-based approach will take time to start to repair the damage caused by welfare dependency the high cost and poor outcomes of the current system cannot continue to be ignored because it does not meet mainstream models and expectations.
- h. It is anticipated that there will over time, be a reduction in costs to Government from unemployment, poor health, alcohol and drug dependency and criminal behaviour if Community Indigenous Employment Plans are adopted, properly funded and have sensible oversight and reporting requirements. Regional Councils under ATSIC had little autonomy as Government set generic priorities and provided limited budgets and accountability. **(Questions 3 and 5)**

4. Aboriginal and Torres Strait Islander Work Opportunities in Urban and Regional Australia – Aunties and Uncles in high schools

- a. The revised Australian Curriculum includes a central role for Aboriginal and Torres Strait Islander Histories and Cultures its stated purpose is:

"the Australian Curriculum is working towards addressing two distinct needs in Aboriginal and Torres Strait Islander education:

- *that Aboriginal and Torres Strait Islander students are able to see themselves, their identities and their cultures reflected in the curriculum of each of the learning areas, can fully participate in the curriculum and can build their self-esteem*
- *that the Aboriginal and Torres Strait Islander Histories and Cultures cross-curriculum priority is designed for all students to engage in reconciliation, respect and recognition of the world's oldest continuous living cultures."*

- b. Aboriginal and Torres Strait Islander Histories and Cultures includes learning areas across a wide range of subjects:
 - English
 - Mathematics
 - Science
 - Humanities and Social Sciences
 - The Arts
 - Technologies

⁶ Ibid.



- Health and Physical Education
- Languages

In total there are 95 elaborations.

- c. Non-Indigenous teachers are teaching predominantly non-Indigenous students about Aboriginal and Torres Strait Islander Histories and Cultures:

“Each elaboration is accompanied by teacher background information that explains in detail the cultural and historical significance of the chosen topic and how it connects to the core science curriculum content. It also includes a list of consulted works, provided as evidence of the research undertaken to inform the development of the teacher background information. The teacher background information is accessible through the Aboriginal and Torres Strait Islander Histories and Cultures icon appearing next to the elaboration.”

- d. Tranby believes this is a valuable step forward for building understanding and recognition in the non-Indigenous community. It will of course take many years before it actually improves non-Indigenous understanding of Indigenous culture. The Introduction of unpaid cultural leave will work in tandem to raise awareness across all non-Indigenous age groups. We believe it is crucial that Aboriginal and Torres Strait Islander be directly involved in the roll out of this initiative – not just text book reference taught by non-Indigenous teachers on a purely theoretical basis. We recommend at least one Aboriginal and Torres Strait Islander – Aunties and Uncles, be employed by each high school in Australia to support the school in teaching Aboriginal and Torres Strait Islander Histories and Cultures. State Education Departments should engage with Elders and leaders to identify suitable Aunties and Uncles candidates, ideally from the local mob where possible, to fill these roles subject to the completion of courses designed to assist them to undertake these roles. The role will require regular time on Country and leave to meet cultural obligations. This should be a senior role within the school commensurate with the fact that there are requirements to provide support across all subject areas. The Commonwealth Constitution does empower the Commonwealth to fund the placement of Aboriginal and Torres Strait Islander Aunties and Uncles in each school to support the new Australian Curriculum **(Question 6)**

5. The Role of Indigenous Owned Registered Training Organisations (IRTOs) (Question 6)

- a. IRTOs can play a key role in supporting changes from welfare to a community-based employment model. IRTOs provide cultural safe appropriate training for Indigenous Australians and could assist with training for trades apprentices, rangers, Indigenous specialist teachers for high schools and Elders and Leaders in corporate and financial planning and governance.



- b. IRTOs can also provide online Indigenous cultural awareness training modules for employers and also specialist induction materials for new Indigenous employees and cultural awareness modules for non-Indigenous employees.

