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**Submission to the House of
Representatives Standing Committee on
Aboriginal and Torres Strait Islander
Affairs**

(HORSCATSIA)

**Inquiry into the high levels of
involvement of Indigenous juveniles and
young adults in the criminal justice
system**

by

Dennis Foley (The University of Newcastle)

&

Terry Lovat (The University of Newcastle)

7 January 2010

**Submission to the House of Representatives Standing Committee on
Aboriginal and Torres Strait Islander Affairs (HORSCATSIA) Inquiry
into the high levels of involvement of Indigenous juveniles and young
adults in the criminal justice system**

by

Prof. Dennis Foley & Prof. Terry Lovat (The University of Newcastle)

Terms of reference

The Committee shall inquire into the high levels of involvement of Indigenous juveniles and young adults in the criminal justice system. With a particular focus on prevention and early intervention, the Committee will identify:

1. How the development of social norms and behaviours for Indigenous juveniles and young adults can lead to positive social engagement;
2. The impact that alcohol use and other substance abuse has on the level of Indigenous juvenile and young adult involvement in the criminal justice system and how health and justice authorities can work together to address this;
3. Any initiatives which would improve the effectiveness of the education system in contributing to reducing the levels of involvement of Indigenous juveniles and young adults with the criminal justice system;
4. The effectiveness of arrangements for transitioning from education to work and how the effectiveness of the 'learn or earn' concept can be maximised;
5. Best practice examples of programs that support diversion of Indigenous people from juvenile detention centres and crime, and provide support for those returning from such centres;
6. The scope for clearer responsibilities within and between government jurisdictions to achieve better co-ordinated and targeted service provision for Indigenous juveniles and young adults in the justice system; and
7. The extent to which current preventative programs across government jurisdictions are aligned against common goals to improve the health and emotional well-being of Indigenous adolescents, any gaps or duplication in effort, and recommendations for their modification or enhancement.

Introduction

Before we address the terms of reference we wish to advise the Standing Committee that we are two very different educators who will be approaching this inquiry from the standpoint of the non-Indigenous scholar (Professor Lovat) and the Indigenous scholar (Professor Foley). Both have a common wish to establish constructs that will assist in the long term development of social well-being and improved social inclusiveness for Indigenous youth. If two educators from different worlds can work together, sharing a strong belief in the maintenance of Indigenous Australian culture, then we can as a nation reverse the poor vocational history in Indigenous education, so reducing the spiral of youth into a void of hopelessness. It will also be essential that political agendas between federal and state politics coalesce in order for deliverable programmes to be effective.

Terms of Reference:

1) How the development of social norms and behaviours for Indigenous juveniles and young adults can lead to positive social engagement;

Before we begin to discuss such a complex issue, it is important that we understand that Aboriginal Australia totals around 500,000 people, a mere 2.4 percent of Australia's population (Hughes 2007). The current Aboriginal population roughly falls into three major demographic divisions with the majority having an urban or semi-urban lifestyle (Fisk, 1985; Hunter 2004; ABS 2007a)

They are:

- 160,000 working in jobs and cities in towns and the country, relatively well educated enjoying a wide range of occupations. Proud of our culture, they enjoy mainstream living standards and participate fully in Australian society. Their children have educational opportunities on par with suburban middle class Australia. Four decades ago this group would have been lucky to have totalled in the four figures which is an indicator of social change since the 1967 referendum and the Whitlam social policies
- 250,000 existing on the fringes of towns and cities or in the major city ghettos. Half of our population are among the low labour force participants, suffering high unemployment and high welfare dependency with poor education and poor health. They often live in overcrowded derelict public housing with their everyday life prone to violence, substance abuse and societal dysfunctions. Their

children have poor access to education opportunities.

- 90,000 live in some 1,200 'homeland' settlements established in remote Australia from the 1970s. These are the most deprived group, usually totally dependent on welfare, with generational gaps in western education delivery, appalling health in sub-standard housing, poor sanitation, even lack of access to clean water in some instances. They live in conditions normally associated with third world countries and suffer preventable diseases that in some cases are worse than third world conditions (Hughes 2007, p. 3).

Social norms and behaviours are driven by one's societal positioning; Indigenous youth must be viewed accordingly. There are those whose current position is dependent on their parents' life experience, generations of employment history, levels of work ethic, levels of gained human capital, etc. They are therefore best regarded as victims of dysfunctionality due to a range of factors, including being descended from the stolen generation, stolen wages or forced displacement. These and many more classifications compound on Indigenous societal positioning. For simplicity, we classify youth as follows:

- The angry frustrated middle class who will be referred to as group A,
- The hungry impoverished, urbanised from families suffering generational rejection from societal exclusion, referred to as group B; and
- The rural remote, allegedly economically bereft, with little productive future or access to government services, referred to as group C.

These three classifications have their own inherent problems which are oversimplified due to the writers' generalising. It is important to understand that to correct social dysfunctionality involves more than a mere three or four year plan. The current sociological problems within Aboriginal society are the result of over two hundred years of policy error. To fix the problem will require bi-partisan, intergenerational strategies. We need five, ten, twenty, fifty, perhaps hundred year plans that are regularly reviewed in accordance with societal beliefs and Indigenous cultural development.

Furthermore, to understand the development of social norms and behaviours in contemporary Australia, one of the ever-present and disturbing social norms within Indigenous youth across all categories has been the development of dysfunctional 'rites of passage'. As children growing up in Sydney's western suburbs – Bankstown, Bass Hill,

Chester Hill and Fairfield - in the 1950s, the dominant rites of passage for Aboriginal youth were primarily those associated with radical youth in general, the 'bodgies', 'widgies' and 'hoons'. The 1960s however saw a change among Aboriginal youth and, for group B especially, getting in trouble with the law became something of a badge of Indigenous honour. By the 1970s, this became associated with a metaphorical link to initiation. Being jailed was seen by many as achieving adulthood status by one's peers. In this context, one became a man by committing an offence which entailed a court appearance or worse. Social norms had become perverted by Aboriginal youth yet remain entrenched by the enforcers of societal normality ... the police. Research by Quentin Beresford and Paul Omaji (1996) in Western Australia paints the picture of a police force that feeds on Aboriginal youth in its cruelty, creating anger and resentment within Indigenous society (1996: 80-81). Hence, the generation impacted on by this force were said to have a depth of inherited antipathy towards the police (1996: 80).

In Queensland, the infamous 1994 Pinkenba committal proceedings highlighted the inability of the justice system to provide equitable treatment of Aboriginal litigants or witnesses even when the same justice system has access to the Equal Treatment Benchbook which is supposed to allow for equality in court room communication. Yet the judge in this proceeding refereed to the Crown's witnesses (Aboriginal youth) as the '*defendants*' and, in one cross-examination, the Bench stated to the witness (an Aboriginal youth) '*I'm suggesting to you that you don't want the Court to know you're the little criminal you are*' (Jarro 2006: 17). This is an indictment against a witness that was used by Counsel to destroy any credibility held by the child. The six Police Officers, who allegedly terrorised three Aboriginal boys aged 12, 13 and 14 and dumped them in an industrial wasteland, were acquitted even though the Criminal Justice Commission held the belief that they had deprived the youth of their rightful liberty. The three victims suffered three days of gruelling cross-examination, akin to verballing, without any sensitivity towards or recognition of Aboriginal customs, language or social norms. In fact, the Counsel acting for the police used this to the advantage of the police case. The Magistrate's decision was later subject to judicial review proceedings in the Supreme Court of Queensland (see *Purcell v Venardos* (No2)[1997] 1 Qld R 317 (Jarro 2006)). The message to the Aboriginal community of Queensland however was crystal clear; namely, there is no apparent justice to be had within the legal courts for Indigenous youth.

The Pinkenba case followed shortly after the tragic death of Daniel Yock, who died in custody in November 1993 under mysterious circumstances

which are still largely unexplained due to many discrepancies. The alleged riot that followed shortly after at the Roma Street Transit Station illustrated societal norms of the day as the police continually provoked the Aboriginal crowd. One of the authors was a witness to the police provocation. Then, as recently as 19 November 2004, Mulrunji Doomadgee perished in the Palm Island police station. Allegedly, he was bashed to death by the then Senior Sergeant Chris Hurley (Hurley was promoted shortly afterwards and transferred to the Gold Coast). Mulrunji's spleen was pulverised, his portal vein ruptured, and his liver cleaved in two. Then he was abandoned to live out his last few minutes in agony on the floor of the Palm Island watch house.

The message to Queensland Aboriginal youth was clear, amounting to a veritable indictment on the social norms of Australian society. Tragically, many such stories can be repeated across Australia's states and territories. There are also countless illustrations of scores of deaths, hundreds of questionable assaults, imprisonments and untold thousands of alleged police indiscretions against Aboriginal youth.

One of the authors experienced police intimidation first hand, growing up in and around Fairfield, which was considered a norm if one was of Aboriginal descent. The accumulated social norms and behaviours of Aboriginal youth are tragically and forcibly moulded in many situations by those very people who are employed to uphold the law. In this context, one has to ask "whose law?" when it has such a demonstrably derogatory impact on the development of Aboriginal attitudes.

What has this to do with education? The answer is 'everything' for, without it, all forms of authority, including politicians, the constabulary and courts, as well as the media, are able to continue to 'smoke-screen', to construct deceptive scenarios that misguide and avoid the truths that need to be faced! As an instance of such media construction, The editorial of the Sydney Morning Herald on July 17, 2004 effectively 'smoke screened' by characterizing '*The root cause of TJ Hickey's death*' (fatally impaled on a fence following a pushbike accident that was allegedly caused by a police car chase) as the result of disadvantage, despair and Hickey's family's inability to afford a home. The editorial however proffered the evil of inner city land speculation as the 'root cause' of his death (SMH 2004), a remarkable claim granted that Mrs Hickey came to Sydney to give her children a better life; in fact, her record is of being more concerned with putting food on the table than with real estate speculation. Once again, we see the standard construction of a scenario that effectively bypasses the true causation of

societal behavioural problems and the importance of sound education opportunities for Indigenous youth.

In contrast another newspaper; the New York Times, following the subsequent 'riot' in Redfern after TJ's death wanted to get to the root; the 'causation' of the problem for its readers. Ms. Jane Perlez, an Australia educated journalist wrote an editorial in this newspaper that brought the plight that faces Indigenous Australia to the widest single reading audience in the western world:

'... many Australians carried a huge but unadmitted collective guilt about Aborigines that was reflected in the most appalling racist humour reserved for Aborigines. Australians embrace successful Aborigines ... and some who really shine—like the Olympic medallist runner Cathy Freeman—are treated as national heroes. But if Aborigines are not glamorous and successful, we don't want to know about it.'... They were forced off their land after British settlers began arriving in 1788 and then brutally suppressed ... government statistics and reports of private groups show the perilous situation of Aborigines. The Ministerial Council on Education, Employment Training and Youth Affairs was told in 2000 by a special task force that only 20 per cent of Aboriginal students met reading standards. In some parts of Australia, criminal justice groups say, Aboriginal men are 25 times as likely to go to prison as whites ... the health of the Aboriginal children was so poor that it affected their learning and communication skills (Perlez, 2004, p. 3)

Perlez's editorial was well researched. She visited Redfern with Aboriginal mentors, and saw first hand the poverty and the plight of Aboriginal mothers and youth. She followed the Hickey family back to their beginnings in Walgett, an area that suffers poor education. 'A Neglect You Would Not Read About' (Devine 2003) was the way the Sydney Morning Herald described the issues only six months earlier:

'... with the school year almost over, parents in Walgett are weeping with frustration as another crop of children emerge into the world unable to read or write. Jenny Trindall, president of the local Aboriginal Education Consultative Group, says her unemployed 18-year-old son can barely read, can't write a letter and signs his name in scribble. ... Trindall estimates that 20 per cent of children who leave Walgett High, most Aboriginal, are illiterate. (Devine 2003)

This is why Mrs Hickey left Walgett in search of a better life and better education for her children. Interestingly, the inquest into TJ's death revealed that the four police officers who found TJ were so shaken they needed immediate psychological support (ABC Online 2004). A 1999 Women's Task Force on Violence report tabled with the former Queensland Beattie government lists an account of a 14-year-old girl who, when examined at a health clinic, was so raw from being continuously raped since early childhood that she screamed throughout the examination. A policewoman in attendance was so distressed that she needed counselling (Neil, 2002, pp. 76–8). The Aboriginal rape victim did not receive counselling; neither did the witness or direct family members in TJ's case. We digress but we illustrate two social normalities, one for the Aboriginal victims and another much more sympathetic norm for the constabulary. The social norms in Australia are linked to an education system that predominantly does not educate Aboriginal youth and a police culture that correctly nurtures its members under the umbrella of occupational health and safety yet enforces negative treatment towards Aboriginal youth from an early age. These are facts; the latter reinforced repeatedly in reports, a Royal Commission and even the Parliament of Australia Senate reports (Australian Human Rights Commission 1996; Parliament of Australia Senate 2005). Obviously the education structure and poor delivery of programs to the majority of Indigenous youth that comprise groups 'B' and 'C' needs to be addressed. The societal issues of negativity within the Justice system from the police to the Judiciary (from the Indigenous perspective) also need constant review. A perspective strongly opposed by some factions within The Law Council of Australia (Law Council of Australia 2006). No longer can these issues be swept under the carpet, HORSCATSIA has the opportunity of positively addressing these difficult societal problems.

In the third term of reference, we quote Professor Mick Dodson. His words (2009) highlight educational inequalities, yet there is no one person or government department responsible for the predicament that faces Indigenous Australian people, nor do we accept and provide a detailed history of the subjugation, discrimination, extirpation and genocide of Indigenous Australians (Moses, 2004, pp. xiii, xiv, 6). Aboriginal issues remain a 'football' kicked between federal and state departments and, whilst it remains so, there will be party politics impacting, combined with bureaucratic inefficiencies of state and federal silos that ensure wastage of funds and a limited future for the development of positive social norms and behaviours. One must also consider the fluctuating waves of social attitude of mainstream Australia, fuelled to some extent by the media which has a profound impact of what is considered a social norm.

2) The impact that alcohol use and other substance abuse has on the level of Indigenous juvenile and young adult involvement in the criminal justice system and how health and justice authorities can work together to address this

How many reports does the government need to understand the impact of alcohol and substance abuse on Indigenous Australia? In a reply to a Parliamentary committee on Aboriginal issues in 1845, the Catholic Bishop Polding stated:

... I conceive that there is established in the mind of the black population a sentiment that whites are essentially unjust ... [it] must be attributed to the bad feeling and want of confidence, naturally caused by the mode in which possession has been taken of their country- occupation by force, accompanied by murders, ill-treatment, ravishment of their women ... the white man has come for his own advantage, without any regards for their rights ... (Aboriginal and Torres Strait Islander Apostolate 1993, pp. 93-94).

Polding stated that the stealing of land was the root of the problem, yet the church he claims was powerless to do anything. He also went on to mention the degradation of Aboriginal society by the impact of introduced substances such as alcohol. This was a theme previously mentioned by the Methodist Reverend Samuel Marsden who on writing to the Secretary of the New Zealand mission remarked at the drunkenness of both men and women and their increase, their progression in vice due to the influence of alcohol from the age of perhaps thirteen or fourteen (Willey 1979: 189).

From as early as February 1819, the clergy recognised the impact of alcohol, almost two hundred years later the House of Representatives are raising the same issues looking for ways to manage the problem ignoring the causation.

Substance abuse goes hand in hand with the loss of land (Aboriginal and Torres Strait Islander Apostolate 1993) and Christianity for when your belief systems are destroyed or banned - despair is the result. Noel Loos acknowledged this to some extent:

... it is hard to imagine Christianity being taken in worse circumstances to a people than has been the case with Aborigines throughout much of Australia. Christianity has been a part of the colonisation process and, as a consequence, has been companion to frontier violence, dispossession, disease, depopulation and

degradation. Christianity was the religion of the White conquerors who assumed authority and control over Aboriginal people. Missionaries were a part of a new law that dominated Aboriginal law ... they were the advocates of changes which it would be for Aboriginal people, finally, to accept, reject, or modify. This process is still going on (1988, p. 115).

We repeat Bishop Polding's words:

... the white man has come for his own advantage, without any regard for their rights ... (Aboriginal and Torres Strait Islander Apostolate 1993, p. 93-94).

The stealing of land was the root of the problem, yet the church, Polding claimed, was powerless to do anything and the degradation / dispossession and forced adoption of Christianity (Loos 1988) was the causation; substance abuse was the resultant social reaction to hopelessness.

Cowlshaw's research (2004) refers to the social positioning, the language of victimhood for man's compulsion to drink cheap wine, a preclusion from better quality alcohol, illustrating both behavioural characteristics of the Indigenous male and the social stratification of white society.

... the kids are getting their own back ... Because of the racism that's around here and the way that white people treat them. They're treated like dogs, so they want to treat other people like dogs. (Cowlshaw 2004: 129)

Aboriginal youth tend to be objects of suspicion even when they have done nothing wrong. In turn, this becomes a determinant of negative youth behaviour. We see a transition from victimhood and societal blame to the phenomenon and effects of cheap grog. The agencies in question cannot address these issues because the root cause is more complex than their resources are equipped to handle.

In remote areas, this situation is worse for there is a perceptible double standard in the way the law is policed within the homelands. Understandably, 'the failure of education and a lack of literacy create severe problems in the administration of Justice' (Hughes 2007: 40). Lack of English skills and ignorance of criminal codes creates a vacuum for those trying to implement customary law. Murders are masked as manslaughter in some cases; possibly 109 non-convictions in 10 years were actually murders (Hughes 2007: 40). The Royal Commission into Aboriginal deaths in custody failed to analyse the causes of such high levels of violence; rather, the system tries to keep perpetrators out of jail

so they do not add to the ‘death in custody’ statistics yet, at the same time, they fail to protect the victims. Most notable among these latter are abused women. In spite of this intention, we see young persons incarcerated at an alarming rate. Power imbalances within Indigenous society may work to protect powerful males and females yet expose more vulnerable youth (Hughes 2007). This amounts to an exceptionalism that leaves the weak exposed, that does not consider customary law in the outstations, the youth group and, most of all, women of category ‘C’. These biases in policing legal procedures amount to a form of “reverse racism”, a product of former government policy that refused to allow cultural practices and beliefs as mitigating factors, popularising “one law for all” as espoused in the media after the 2006 Senate Committee (Calma 2006: Law Reform Commission of Western Australia 2006). Substance abuse and violence will continue unless there is improvement in the socio-economic conditions of those who are most exposed, namely, youth and women, the poor, the homeless and the ill.

Before we can understand the impact that substance abuse has on the level of Indigenous juvenile and young adult involvement in the criminal justice system, we need to fully understand the shortfalls in that system. If we were to devolve the state and federal health and justice authorities into one organisation with common goals, then the problem could be possibly better addressed. In issue number 4, we refer to a Maori organisation, *Ahikka*, wherein programs deal directly with street gang members and other persons, many of whom have substance abuse issues. *Ahikka*’s approach in the training and socio economic development of the individual points to a potentially better use of resources than intentions designed to change the mindsets of health and criminal justice system silos at both state and federal levels.

3) Any initiatives which would improve the effectiveness of the education system in contributing to reducing the levels of involvement of Indigenous juveniles and young adults with the criminal justice system

We believe that any initiatives that would improve the effectiveness of the education system in contributing to reduced levels of youth involvement in the criminal justice system involve a three pronged attack that addresses the following key elements:

1. Infrastructure;
2. Teachers; and,
3. Accountability of the states

Infrastructure

Previous research points to education as a key factor in improving outcomes for Indigenous Australia for: ‘improved health and socio-

economic status are directly linked to educational participation and achievement' (ABS: 2007, p. 1). It also suggests that education of our Indigenous youth is of vital importance to the well-being of our nation (Victorian Government 2008). We accept these findings and in doing so we as a nation need to look at infrastructure implementation as an essential way of improving education standards. Mick Dodson's inaugural address as Australian of the Year to the National Press Club highlighted some of the issues germane to this point of view:

... I've thought a lot ... about what changes I would most like to see ... where I would most wish to make a contribution as Australian of the Year. I'd like to see every Australian child next Australia Day geared up for the start of the 2010 school year. And I want to be confident that those children are going to get the best education this country can give them. I want it for Aboriginal and Torres Strait Islander children and I want it for other children who aren't getting it now because of where they live, because of poverty and because we've failed them ... and the fact that many of our children are not getting the best education is something none of us should tolerate, or dismiss as inevitable, or as too hard to fix. I truly believe we are better than that ... every child deserves a good education ... and yet we still can't do it. ... we need to invest in the children and their teachers – the human capital ... as well as the physical infrastructure ... we should also be giving every Australian child a chance to learn about this country's Indigenous history and culture – it **IS** the oldest surviving culture in the world and, as the Prime Minister says, it's a culture all Australians can take great pride in. (Dodson 2009)

Dodson promised to work for equality in education to ensure that, by 26 January 2010, every child would be geared up for the start of the school year with a school, complete with chairs, tables, blackboards and computers. This was to be a school where teachers would be ready, confident and determined, equipped to impart knowledge and confidence, and students would have shoes on their feet, breakfast in their tummies, be well rested, ready to learn - willing to learn and be able to learn (Dodson 2009).

The sceptic who remembers former Prime Minister Bob Hawke's promise to the nation when he opened the Labor party election campaign on June 23, 1987, that 'no child would live in poverty by 1990', would no doubt also be pessimistic about Dodson's dream. In hindsight, Hawke reflects that this comment amounted to the biggest regret of his political career (Masanauskas & Philip 2007). Will Dodson also regret his promise? We doubt it for the promise has had the effect of exposing the lack of educational infrastructure from Doonside to Doomagee, from Keswick

and Kalgoolie to the Kimberlies. Dodson's promise has brought these issues to the media and into the living rooms of mainstream Australia. It has also exposed the lack of enthusiasm on the part of governments and communities to improve the plight of Aboriginal Australians. Perhaps the Australian general public has become recalcitrant, pessimistic in the face of the endless story revolving around Indigenous poor living standards. Dodson's promise is a challenge to such recalcitrance and pessimism because it amounts to an optimistic scenario based on provision of fundamental infrastructure. Without the schools, the desks, the pens and paper, nothing is likely to improve but, with them in place, Dodson proffers that things can change.

Teachers

To have an effective education system, we need trained skilled teachers. The 2007 Staff in Australian Schools Survey revealed that thirty one percent of early career primary teachers said their pre-service training was of no help in assisting them in teaching Indigenous students (McKenzie, Kos, Walker, Hong 2007) This is unacceptable and it highlights the level of ignorance at the 'coalface' of education; too many educators fail to understand Indigenous learning processes from early childhood through to secondary and beyond.

Indigenous children are exposed to a range of informal early learning experiences, often through kinship systems where women closely connected to them nurture and care for them. Others grow up within families that have suffered a range of traumas, leading to involuntary relocation to urban areas. These children have often been exposed to serious social problems, with less closeness to their sisters, aunts, and even their own mothers. Where there are functional family structures, the children are taught informally in an environment that is conducive to their learning. This focuses primarily on development of listening and observational skills (rather than abstract concepts involving reading and writing). This is a personalised mode of learning where the Elders are the educators. They convey the meaning of the subject matter and then reinforce this through repetition in story and real-life experiences. Questioning is discouraged and it is not culturally appropriate for children to speak until they are asked to do so. This is discussed in further depth in the following section. Eye contact with the Elder is also discouraged. Where kinship structures remain, these practices have continued.

When an Indigenous child commences kindergarten, it is often the first time they have been separated from their family and/or have had to deal with adults who did not belong to their family or community networks. Indigenous children statistically have very low records of kindergarten attendance. This is for various reasons, including a lack of access, lack of

funds, lack of available places, lack of transport, or a combination of factors. In many situations, while children may have had a nurturing family upbringing, their non-attendance at kindergarten results in school commencement without the early educational training that establishes the essential building blocks for their educational future (Heitmeyer, 1998, p. 202). This is an area that requires further attention and greater understanding. Children deprived of opportunities for kindergarten begin primary school significantly disadvantaged. This basic skill gap widens as the children grow older, resulting in the greater majority of Indigenous youth being trapped in 'catch up' mode.

It is vital that the above knowledge is provided for all teacher trainees, as well as training in educational means of alleviating the skills gap that is implied by such knowledge. It is also important that teachers are trained to work with Indigenous students from K to 12, training that is homogenous across higher education teaching institutions. The rationale behind this is that former theories relating to Indigenous education assumed the student needed to acquire the tools to learn the teacher's knowledge (Harris 1977). More recent theories position the teacher as the knowledge centre with the student adopting the teacher's methodology. In classrooms containing cross cultural diversity, the student's knowledge and position should be included in this process. The dilemma for the teacher is that, in this situation, students should obtain the three Rs yet remain Aboriginal.

Aboriginal students, by and large, respect the teacher; the more the teacher socialises within the community and becomes aware of its workings, power circles and identity, the more the theoretical applications of cross cultural teaching apply. If the teacher does not embrace the student's world, then there is no two-way learning and a loss of respect results.

There are three texts that we suggest both established teachers and all student teachers should explore: 'Rethinking Indigenous Education: Culturalism Colonialism and the Politics of Knowing' by McConaghy (2000),; Neil Harrison's (2008) 'Teaching and Learning in indigenous education' and the acclaimed text *Education Change and Society* (2007) by Connell, Campbell, Vickers, Welch Foley and Bagnell. The McConaghy text is provoking in the breadth of its interdisciplinary analysis in a dense, heavily theoretical work that allows a glimpse into understanding the concept that is traditional ways of 'knowing'. Harrison's work is written primarily for the student preparing them for both the classroom and community environments that they will encounter when teaching indigenous children in urban, rural and remote primary and secondary schools. Harrison provides a strong practical focus including 'Learning from Experience' examples balanced with a dose of theory to equip future

teachers with the skills to adapt their teaching to the needs of individual students. This is valuable information that Higher Education Teaching institutions generally do not provide. The Connell et al. 2007 text is written in an engaging manner by Australia's leading sociology and education academics, to assist students (or teachers) in their understanding of how and by what mechanisms contemporary education in Australia operates. The broader issues concerning Australian society are examined in the context of educational institutions and policies, promoting critical reflection and facilitating in-depth analysis. The authors' knowledge and expertise in the field help to prepare students to meet the challenges of very recent and sometimes dramatic policy and social changes in Australian education. These texts collectively provide grounding for teachers that normal training seems to overlook.

There is much that the teacher can do to ensure teaching is educationally enriched through the inclusion of Indigenous culture and history, and at the same time made more rewarding and balanced for both Aboriginal and settler Australian students. Teachers need to be encouraged to read a broad range of Indigenous literature and to learn about the colonial frontier from 1788 to the present time. For example, they should know about the following Aboriginal Australians: Pemulwuy, Mosquito, Bungaree, Windradyn, Sparrow, Jack Patten, William Cooper, David Unaipon, Mum Shirl, Vincent Lingiari, and 'Chicka' Dixon. They should make it a priority to discover the role that these Aboriginal Australians played in Australia's history and their contributions to Australian society. They need to understand the role that sport played in lowering the racial barriers for prominent Aboriginal people like Doug Nichols and Charles Perkins and to discover Aboriginal war heroes, such as Reg Saunders, who fought for their country and all Australians, even though they could not vote.

Teachers need to learn to include certain vital information within their curricula. This includes that: Australia has a black history that deserves to be included as part of the total history curriculum; Aboriginal values and interests must be incorporated into the curriculum so that similarities and differences in values between the home lives of students and those of the classroom can be negotiated and understood; and, teachers must get to know all students culturally because successful learning is contingent on the mutual understanding of each others' positions (Harrison 2004, p. 99). Developing subject content that is inclusive of Indigenous studies is vital and teachers need to develop this with their peers in an agreed and planned approach, based on sound pedagogy, evaluated and reviewed on an ongoing basis. This may not be easy to achieve due to outdated attitudes and discriminatory behaviours however teachers' initiatives must have:

- clear, realistic and yet still challenging targets for improvement;
- action plans that define tasks, assign responsibilities and establish timelines; and
- the resources (or the means to procure them) necessary to support the change process.

Teachers in rural schools also need to find out who is the chair of the local Aboriginal Council, make an appointment to meet with that person and determine ways in which the Council might assist in dealing with the matters outlined above. If there is a local Aboriginal Health Service, they also need to interact with it as well as with any Aboriginal Education Consultative Committees in the vicinity. It is also important that teachers be aware of the Language groups within the school area. This knowledge can be obtained from the Aboriginal Land Council or the local government authority as well as from most Council web sites. Teachers should be aware of the catchment area of their school, ascertain who are the Aboriginal Elders, keep their telephone numbers handy and get to know them because they are a wonderful resource, be it as parents, speakers, co-educators or merely reference points. A goal should be to get the old people into the school, make the school a welcoming and enjoyable place, using the kind of model provided by Chris Sarra's best practice effected at Cherbourg Primary School, Queensland.

If a school has Indigenous Australian students, teachers should assume a leadership role seeking to become actively involved in supporting and promoting Indigenous student success. To achieve this, they will need to look beyond the school for sources of support. These may include parents, Indigenous support staff, community members and Indigenous funding programs. Teachers need to be proactive rather than reluctant participants. They need to be given the tools and motivation to research, interact and network.

As noted above, a vital part of such school transformation is the inclusion of Aboriginal studies. It should not remain a token teaching content area. It must be taught willingly, knowledgeably and consistently in all schools regardless of the composition of the student population, not discussed only when tragic incidents occur, or on national ceremonial occasions like Australia Day, National Aboriginal and Islander Day of Celebration (NAIDOC) or Sorry Day. Consider the pride with which New Zealanders regard their Maori heritage. Maori history is an accepted part of New Zealand culture, included in school studies from K to 12. The teaching of Maori culture and history is far from tokenistic within its education syllabus; it is kept alive and relevant for the total student population of today. Australian educators can learn from this. In Australia, we seem to be reticent about our Indigenous history, and

hence we do not teach our youth about the courage displayed by both individual Indigenous Australians and groups during the extended period of first contact. We have much to be proud of that should be included in the curriculum.

No doubt, such an approach would create an environment far more conducive than at present to Aboriginal student retention and participation. Above all, teachers and the education system must allow for the differences briefly highlighted within the three previously identified groups, A, B and C, and the many idiosyncrasies within them.

Those in the education industry are well aware that it can constitute a political football in the field of social justice, yet it is recognised that education is a key factor in improving outcomes for Indigenous Australia for: 'improved Health and socio-economic status are directly linked to educational participation and achievement' (ABS: 2007, p. 1). With this in mind, in 2008 there were 151,669 Indigenous full-time school students, an increase of 3% or 4,488 students since 2007. Almost 59% of these attended schools in Queensland or NSW. Across all states and territories there were 22,731 students in senior secondary (Years 10-12) compared to 15,585 in 2003, an increase of 45.9%. Indigenous students (ABS 2008, p.3). Whilst these gains are commendable we need to review the overall retention rates. Retention rates for full-time Indigenous school students from years 7-8 to 12 are alarmingly lower for non-Indigenous students: 46.5% compared to 75.6%. The Indigenous retention rate has increased by 3.6% while the non-Indigenous remained unchanged (ABS 2008, p. 4). There has been a steady increase in retention: 32.1% in 1998; 34.7% in 1999; 36.4% in 2000; 35.7% in 2001 and 38% in 2002. The ABS attributes the solid increases peaking at 45.9% in 2007 to the natural increase in the Aboriginal youth population combined with the inclusion of previously ungraded secondary-age students who attend remote Homeland Learning Centres (ABS 2004, p. 2.).

Attendance at school is relatively high in the early primary years, and then begins to drop off in late primary and early secondary. There is however, a clear pattern of higher education attendance in the urban areas of metropolitan centres for children and adolescents (Schwab and Sutherland 2005).

Colin Tatz (2008) raises the sobering issue that a state's motivation for investment in education is to produce the return of a regular cohort of labouring artisan and professional classes under the guise that "education is good for you." If we succeed in investing the required resources to ensure Indigenous Australian youth achieve a mainstream standard education across their homelands in the rural remote and outstations, what happens to them? These are the people of category C,

so where is the employment that education promises? In his 50 years of observing this situation, Tatz has yet to see anyone seriously engage with the local people and ask what they want from all this ‘*school business*’ (Tatz 2008, 17-18). We know that education increases employment opportunities however the clusters of remote settlements and outstations on which some 90,000 people now live were settled almost entirely without the economic resources for decent livelihoods (Hughes 2007, p. 3-4). These same settlements were not always the natural domain; rather, they were selected by government or missions as sufficiently secluded to protect Aboriginal people from predators who wanted to kill, rape, steal the women or sell them opium (Tatz 2008, p. 17). Consecutive governments and missions have created a negative scenario that is not being fully addressed; once again, we are yet to see people tackle the causation of problems in Aboriginal education (and the resultant unemployment, health and housing issues), especially in rural and remote sectors.

In summary, education develops human capital in the child. The level of education determines if they are to remain unskilled, as is the case in most of the youth classified in categories B and C. If the educators (the teachers) remain poorly trained with nominal exposure to the educational needs and requirements of Aboriginal youth, then the colonial practice of training youth to be unskilled will continue.

The reality is that the states and territories have repeatedly demonstrated an inability to address these issues. We need a flexible, national education system that incorporates common aims to provide a future for Indigenous youth. Above all, we need highly trained and enthusiastic educators - teachers - on the ground with support within a funding structure that is accountable to the Federal Government.

Accountability of the States

Any future planning or recommendation by HORSCATSIA needs to address the states’ accountability of funds spent under federally funded programmes because Aboriginal services have become ‘big business’. The Aboriginal activist, Gary Foley, stated to one author that if all the ‘black-fellas’ [Indigenous Australians] died overnight, there would be a million unemployed federal and state public servants. This may be an exaggeration but it caricatures well the ‘industry’ that is responsible for but, at the same time, often seems to smother Indigenous Australian initiatives.

At the opposite end of the spectrum claims of Aboriginal privilege were popularised by Pauline Hanson of the former One Nation Party, yet the idea of Aboriginal privilege is remarkable “in the face of prodigious

counter-evidence that Aborigines are the most disadvantaged people in Australian society. We know ... that they are the poorest, least healthy, have the highest levels of unemployment, are the most under-housed, under-educated, over-jailed and youngest-dying social group on the continent ... how did it come to be that the same distinct population can be spoken of as a desperate social underclass in one breath, and akin to a neo-aristocracy in the next?" (Mickler, 1998, p. 13). Yet, despite the endless claims concerning the wastage of taxpayers' money on Aboriginal programs, even former Minister Ruddock, when in charge of ATSIC, could find no expenditure that was outside of the Audit Act. In contrast, research indicates that substantial funding has been wasted by the non-indigenous bureaucracies set up to administer Indigenous projects (Rowse, 2002, p. 223). The Commonwealth Grants Commission, as recently as 2001, reconfirmed to the federal government that there was little or no State accountability to the Commonwealth for the billions earmarked each year to alleviate Aboriginal disadvantage (Tilmouth, 2005; Rowse, 2002, p. 229).

This lack of accountability by Government and service organisations undoubtedly is a driving force behind Noel Pearson's Cape York Project. The total number of Indigenous people living within the Cape York region would barely match that of a large suburb in Melbourne or Sydney, yet the region's many tiny communities are being administered by as many as fifteen health programs, 200 educational programs, and a dozen economic development programs in what Pearson describes as "a disparate, conflicting and overlapping way" (Neill, 2002, p. 39) which is ineffective!

Whilst federally funded programs are not managed and administered in a bi-partisan and equitable manner, funds will not be used correctly and Aboriginal programs will remain underfunded and/or poorly managed. We repeatedly come back to the New Zealand model which appears efficient due to a two tiered government system where funding appears to be maximised on education programs.

4) The effectiveness of arrangements for transitioning from education to work and how the effectiveness of the 'learn or earn' concept can be maximised

The former Coalition federal government initiated the Enterprise Learning for the 21st Century project, a brilliant concept that was taken up by far too few schools primarily because of the then Labor State Education Departments' stranglehold on what could be implemented and what was politically 'unattractive' to implement. It appears Labor States may have restricted some federally initiated programmes. One school that did have the foresight to implement the Enterprise Learning for the

21st Century project was the Castlemaine School and adjoining TAFE in rural Victoria in 2004-6 that accepted the project with very positive outcomes. Sadly, when funding for the coordinator ceased, so did the initiative. The Castlemaine programme was possibly one of the more successful due to the entrepreneurial drive and business expertise of the coordinator. Because this person was not a registered qualified teacher, conflict resulted with some staff, together with bureaucratic hurdles that in the end were destructive. This should be kept in mind for future initiatives.

The concept however was sound. Almost a decade previously, the Judge Business School at the University of Cambridge implemented Social Enterprise teaching and research along similar lines that has produced numerous instances of positive work based economic development in the Midlands Districts of the United Kingdom aimed at low socio-economic minority groups.

Two other programmes/organisations worth mentioning are the New York based Network for Teaching Entrepreneurship (NFTE), founded by Steve Mariotti in 1987, and the Entrepreneurship New Zealand Trust, or *Ahikka*, referred to above. Since its founding, the NFTE has reached over 280,000 young people from low income communities, mostly from minority groups. It has grown to constitute programs in 21 states and 12 countries. The New Zealand operation that is developed for Indigenous peoples and is based on the NFTE concept is the Entrepreneurship New Zealand Trust. *Ahikka* targets primarily Maori and Pacifica people with entrepreneurship education. It is about empowering families and individuals, providing youth with the necessary tools to foster economic sustainability, enabling full participation in the local economies, linking with a broad range of networks and promoting the well-being of the individual and families.

Ahikka builds on the individual's limited human capital due to poor education achievements of the Maori youth, similar to Australia, and sets out to make up for this by developing their skills and social capital. With the correct implementation and management, this program has enormous potential not only for Indigenous Australians but also for other minority groups in Australia. The secret is in the pedagogical delivery of the self-education program, together with the skill of the pedagogue in individualizing education. The NFTE operation, which later had the name change to *Ahikka*, was established in 2004 by Sir Ngatata Love after extensive research of Harvard and Babson programmes. The search began in 2000 and, with the generous support of Westpac New Zealand; Sir Ngatata Love with other Maori trust member's commenced operations at Petone in the Lower Hutt near the nation's capital city, Wellington.

The Ahikka vision is to provide people of all ages with the necessary skills to:

- recognise and capitalise on their strengths;
- utilise their existing resources most effectively;
- maximise their individual and group potentials; and
- create, develop and maintain their own businesses.

Ahikka is committed to growing the skills of individuals and communities in financial literacy, and to providing tools to enable active participation in local, national and international economies. Their website is:

<http://www.nfte.org.nz/index.html>. The National Manager is Dr Catherine Love, M: +64 27 324 7574.

Until now, *Ahikka* has become active only when the youth have become a failed education while the Enterprise Learning for the 21st Century project in Australia, referred to above, developed enterprise initiatives whilst the student was still in the education system. *Ahikka* has now been positioned to do the same, implementing school based programmes in the hope of improving school attrition rates. Based on the research undertaken by NFTE New York, young people in low-income neighbourhoods want the same things we all want, namely to get a good education, earn enough money to live well and make their family proud. The problem is that very few have a clear pathway for achieving these goals; worst of all, they may well believe that society expects they will fail to achieve them. As is the case in Australia regarding lack of social inclusion, fifty percent of minority youth in the United States of America drop out of high school. Australian figures are similar, namely 53.5% (ABS 2008, p. 4). In the USA, eighty one percent would not have dropped out if school was more relevant to real life (NFTE 2006). The authors' preliminary ARC funded research on financial literacy in Indigenous youth has produced similar results in the urban area of western Sydney. *Ahikka's* school intervention programme will hopefully reverse this trend because its specific aim is to make high school more relevant to preparing minority (Indigenous) youth to achieve well in their economy. At this point, one in five, or twenty percent, of youth in the USA live in poverty. We have already illustrated that almost sixty percent of Aboriginal youth live in poverty (Hughes 2007, p. 3).

Our recommendation is that the House of Representatives Standing Committee seriously evaluates the *Ahikka* school initiative, even though it is still in fledgling implementation stage. If we can learn from this Maori oriented innovation, we can ensure there are alternatives that can

be implemented when and if we invest in school infrastructure in order to maintain student enrolments.

5) Best practice examples of programs that support diversion of Indigenous people from juvenile detention centres and crime, and provide support for those returning from such centres

We feel that this is a specialist area and we will not address this area

6) The scope for clearer responsibilities within and between government jurisdictions to achieve better co-ordinated and targeted service provision for Indigenous juveniles and young adults in the justice system

The continuation of government silos, of federal versus state policy and of political point scoring between the political factions must be overcome. It has not been addressed correctly in the last century and will remain so until we have one body that is funded to support, interact and plan the implementation of real societal change. Britain has a commitment of 'joined up' government and Canada are developing the 'seamless' delivery of programs in a 'horizontalism of services, New Zealand are integrating departments in a whole of government (Shergold 2004). Collins (2005) questions if Australia is breaking down silo's in government or just putting in windows? Indigenous service delivery requires federal intervention to streamline processes, increase efficiency ensuring a delivery of product that is tangible and measurable.

7) The extent to which current preventative programs across government jurisdictions are aligned against common goals to improve the health and emotional well-being of Indigenous adolescents, any gaps or duplication in effort, and recommendations for their modification or enhancement

Without wishing to sound repetitive, commonality for outcomes at present is for the most part superficial. The entire current system and implementation of policy needs to be eliminated and replaced by a much simplified and straightforward approach. Three tiers of government and duplicated roles currently lead to lack of commitment to the fragile purpose of their existence, namely, the long-term development and well-being of Indigenous youth.

There is no easy step. If we seriously as a nation wish to 'close the gap', then we must take control and allow Indigenous Australians the same chances and opportunities that non-indigenous Australian youth have in

education. Under the existing structure, we are unable to achieve social inclusion for Indigenous youth. If we can review the words of the Prime Minister in the infamous Apology speech, he stated:

... The truth is: a business as usual approach towards Indigenous Australians is not working ... We need a new beginning—a new beginning which contains real measures of policy success or policy failure; a new beginning, a new partnership, on closing the gap with sufficient flexibility not to insist on a one-size-fits-all approach for each of the hundreds of remote and regional Indigenous communities across the country but instead allowing flexible, tailored, local approaches to achieve commonly-agreed national objectives that lie at the core of our proposed new partnership; a new beginning that draws intelligently on the experiences of new policy settings across the nation... (Rudd 2008)

Yet, at the bureaucratic level after all the high profile barrage of words, Indigenous Australia has witnessed business as usual. In the NT intervention, we see a 'one size fits all' approach that lacks the type of flexibility and tailored local approaches that the PM identified as critical to changing the status quo.

The Australian Commissioner for Social Justice concluded that:

“the capacity of government to deliver on its commitments is the proverbial ‘elephant in the room’... the new government may not yet have fully realised it, but they have been left with a system for delivering on the government’s commitments to Indigenous affairs and reconciliation that is severely limited in its capacity; that has developed and mutated out of an urgent desire to do better, but which has ignored the evidence in adopting change; and which has become disconnected from the very people it is meant to service.” (Calma 2008)

The new government has done little to change either the authors’ or Commissioner Calma’s view.

Conclusion

Sound, pedagogically correct education practice, together with its requisite infrastructure and resources, is the key to overturning many Indigenous problems, especially in youth. To effect it however we need to

overcome the party and sectoral politics within federal and state legislations so that programs can be delivered which:

Engages with the Indigenous cohort, be they urban, regional or remote, the geographic middle class, the product of a working class, or generations of no work ethic. Whether they are on or below the poverty line, or in remote locations with few if any positive life attributes, we must understand their individuals needs, not as a generalised '*racial*' group that is commodified for ease of policy delivery.

We need to unequivocally look at 5, 10, 20 and 50 year plans that will provide infrastructure to ensure equity in educational delivery. We need all Australian schools to maintain education standardisation in infrastructure, from pencils to toilets, from chairs and tables to sports grounds, from library resources and teachers who are there, in the schools for a full 5 day education week.

We need teachers who are trained in Australian Aboriginal knowledge so that they may deliver a curriculum that is free of racial bias.

The curriculum accordingly no longer will have a 'conquerors' tainted view of history. There is no room within the Australian education system for racially biased education. In addition to a revitalised curriculum, we need teachers who have been suitably trained to understand Indigenous and other minority standpoints. The educators need to be educated; this requires a revamp of existing teacher training and existing teachers to undergo retraining. Any refusal to do so should have consequences.

Lastly, all teachers need to possess an understanding of Aboriginal Australian pedagogies and epistemology. They need to understand the diversity and complexity of both pedagogy and epistemology in the geographic regions in which they are employed.

If successive governments can make a unified commitment to long-term education programs, then there is hope for the development of education that can reduce the current trend towards the corrective institution that seems to be the destiny of far too many Indigenous youth.

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