

Submission No. 76  
Date Received 23-5-05

RECEIVED  
23 MAY 2005  
BY: ATSIA



**National Tertiary Education Union**  
Po Box 1323, South Melbourne  
Victoria, Australia 3205  
Tel 03 9254 1910  
Fax 03 9254 1915

**NTEU Submission**  
**to**  
**Inquiry into Indigenous Employment**

Committee Secretary  
House of Representatives Standing Committee on Aboriginal and Torres Strait  
Islander Affairs  
Parliament House  
CANBERRA ACT 2600  
AUSTRALIA

**Organisation:** National Tertiary Education Industry Union

**Authors:** Dr Carolyn Allport  
Mr Joel Wright

**Details:** 120 Clarendon St  
South Melbourne Victoria 3205  
03 92541910

**Date:** 20<sup>th</sup> May 2005

## Introduction

The National Tertiary Education Union (NTEU) represents approximately 27,000 members employed in Australia's higher education sector. The NTEU, through its Indigenous Tertiary Education Policy Committee (ITEPC) is committed to ensuring social justice for all Indigenous Australians, particularly in respect to their involvement as either staff or students in the higher education sector. In addressing the terms of this inquiry, our submission focuses on the employment of Indigenous people with the following broad and diverse labour market areas.

- a). Employment controlled by Indigenous Community Organisations
- b). Mainstream employment in programs for Indigenous people
- c). Mainstream employment general positions
- d). Self Employed

The development of policies to increase and improve the participation of Indigenous people in employment requires a recognition of the factors affecting Indigenous employment across these diverse labour market areas relative to the objectives, quality, potential and sustainability of various positions established therein. It is widely recognised that Indigenous workers have historically endured poorer working conditions than non-Indigenous workers, such as lower wages, higher workloads, no sick, annual or long service leave, nor superannuation or life insurance. What is not recognised however, are the factors that drive a continuance of this history and attempt to justify Indigenous exploitation.

These attitudes have evolved from a history of racist practices. Historically, wages earned by Indigenous people nationally have been stolen by State governments and used to build public services such as hospitals, schools and prisons. The residue of these practices today manifests in the form of lower wages and poorer conditions for Indigenous workers and Indigenous specific positions. The dowries from these monies still being denied to Indigenous families today, is one example of a State enforced policy maintaining Indigenous intergenerational poverty through the exploitation of Indigenous labour. The institutionalised welfare program, "CDEP" or work for the dole, is another prime example of Government acceptance of a poorer standard of employment for Indigenous peoples.

The resulting degrees of Indigenous intergenerational poverty means that many Indigenous families cannot support their children's education at a primary and secondary school level, let alone at TAFE or University. The NTEU has made numerous submissions to Government reviews and inquiries, which are referenced in this submission, pointing out that financial support for the education of Indigenous peoples has been extremely tenuous and demonstrates a further failure to properly invest in the infrastructure to support sustained employment for Indigenous peoples.

This submission will also focus on identifying the types of employment on offer in each of the areas above, including positions exempt under anti-discrimination legislation. Finally we provide a report on the NTEU Indigenous enterprise bargaining strategies targeting under-representation of Indigenous staff employed specifically in the higher education sector. This strategy has resulted in a 24% increase in Indigenous employees in Australian universities and highlights models which may be used across other industry sectors.

## **Indigenous Labour Market Diversity**

Indigenous community organisations provide the full range of ongoing and fixed term full time, part time and casual employment to Indigenous people and to the wider community. The workloads associated with these positions are usually extremely high as the duties are usually linked to facilitating Indigenous community development, aspirations, protocols and organisational administration. The funding provided to support these organisational positions is often inadequate in terms of meeting minimum conditions under an award. Government policy to increase organisational accountability and achievement, without increases to funding, requires overworked staff to work even harder for minor program achievements. Annual funding arrangement for these projects results in a proliferation of casual or fixed term contracts rather than ongoing positions.

In addition, Indigenous community organisations provide over 36,000 places for the federally funded Community Development Employment Programmes (CDEP), or as it is commonly known 'work for the dole'. CDEP payments are tied to social welfare payments, and represent a State endorsed policy of under employment and working poverty for one third of the total number of Indigenous people employed nationally. As one hour of work per week within CDEP constitutes being counted as employed, CDEP is structured by Government to significantly under-represent the real level of Indigenous unemployment and poverty nationally.

The non-existence of labour markets and employment infrastructure in some areas of regional and rural Australia are primary factors in the high levels of Indigenous unemployment, with some researchers suggesting that the actual Indigenous unemployment rate in some of these areas is as high as 50%, counting CDEP participants as unemployed. Under current Government policies there is little or no opportunity to establish the critical employment infrastructure that is lacking in these areas. An important component of infrastructure is education pathways to employment.

Remote and rural areas have limited access to education opportunities and where access does exist, there is often no labour market to employ those who gain an education. This forces Indigenous people to move away from what is often traditional country and move into cities for improved prospects of employment. The pressures placed on the community in a cultural context is obvious and speaks to the fragmentation of Indigenous communities, with dire consequences relative to land rights and native title processes.

The lack of labour markets in these areas flies directly in the face of a history of mining, logging pastoral and fishing licences that have reaped billions of dollars profit for non-Indigenous private companies and tax revenue for Government. The history of non-Indigenous exploitation of resources and land has reduced the capacity of Indigenous communities to establish labour markets based on traditional local relativities, activities and long term economic aspirations.

The establishment of regional employment infrastructure was a primary objective of the CDEP when initially established in 1976. Yet government has since progressively reduced its commitment to this aspect of the scheme to the degree where the provision of essential services critical to employment sustainability is now a privilege contingent on Indigenous community adherence to Government enforced behavioural regimes.

Some private companies and the public service at a Federal, State and Local level, provide employment for Indigenous people within programs specific to Indigenous people's needs. The positions established within these programs are generally identified as Indigenous and are exempt under the state anti-discrimination legislation to allow for the appointment of an Indigenous person only.

There are many issues associated with the establishment and filling of identified Indigenous positions, as well as issues with the roles and responsibilities associated with these positions. The establishment of an Indigenous identified position requires the employer to demonstrate to the State Anti Discrimination Board the need to employ an Indigenous person only and why a non-Indigenous person is not suitable for the position. The positions generally granted an exemption are those positions established to facilitate activities specific to Indigenous people or are a measure to redress the under-representation of Indigenous people in a specific area. Employers successful in gaining the exemption are not always fully aware of the implications associated with the positions roles and responsibilities to Indigenous people and the Indigenous community, as well to the employer.

Some of these issues include:

- Community Liaison is often not recognised as a critical part of the duties of an identified position or a position within an identified program.
- Mainstream Performance Assessment criteria are largely irrelevant to an Indigenous employee or identified position.
- The employer's commitment to recognising Indigenous identity, representation and authority, beyond tokenism and or paternalism.
- The relevance of the position in terms of Indigenous aspirations, levels of resources and support, and the capacity to achieve objectives.

Many Indigenous people are employed in non-Indigenous specific or general positions, facilitated through Indigenous employment strategies and mainstream employment networks. Generally these positions only have occasional contact with Indigenous clients or issues, but are important in demonstrating Indigenous people can perform any occupation at a standard equal to and in many cases better than mainstream performance.

Recognising Indigenous labour market diversity requires policy makers and employers to more critically assess the relevance of existing employment opportunities across the broad spectrum of cultural, social, economic and political factors essential to achieving particular employment outcomes and objectives associated with the positions. To this end, the NTEU has made numerous submissions to government recommending measures critical to increased Indigenous socio economic parity, across education, training and employment and that have particular relevance to this inquiry. The following NTEU submissions are included as attachments:

- Review of changes to ABSTUDY that came into effect in 2000.
- Inquiry into Student Income Support
- Community Development Employment Project (CDEP)

## **NTEU's Indigenous Employment Strategy**

Since 2000 the NTEU has pursued a strategy through Enterprise Bargaining of having every university in Australia, in conjunction with the NTEU, develop and implement an Aboriginal and Torres Strait Islander employment strategy. In 2000 there was the equivalent of 520 full-time Indigenous staff employed at Australian universities, which only represented 0.74% of total employment in the sector, well below the population benchmark of 2.5%; a situation the NTEU felt needed addressing urgently.

The strategy adopted by the NTEU addresses the Standing Committee's second term of reference through providing an example of practical reconciliation that identifies significant factors which have contributed to improved employment conditions and outcomes for Indigenous Australians employed in the higher education sector.

Through the process of enterprise bargaining the NTEU has pursued an Indigenous employment strategy that is consistent with principles of Aboriginal and Torres Strait Islander Self-Determination, social and restorative justice and cultural affirmation, underpinned by the following principles:

- i. Respect and consideration of the cultural, social and religious systems practised by Aboriginal & Torres Strait Islander peoples, recognition of Aboriginal & Torres Strait Islander knowledge as providing a significant contribution to all other bodies of knowledge, and acknowledgment of the scholarship that Aboriginal & Torres Strait Islander employees bring to the higher education institution. As far as possible, to actively promote and recognise Aboriginal & Torres Strait Islander cultural practices and identity. The application of this principle also needs to recognise the diversity of Aboriginal & Torres Strait Islander culture.
- ii. Acknowledgment that participation of Aboriginal & Torres Strait Islander employees in cultural or ceremonial activities enhances the effectiveness of Aboriginal and Torres Strait Islander people as employees. Provision for participation in ceremonial or cultural activities is therefore of direct benefit to the higher education institution.
- iii. Ensuring that staff are supported by institutional policies and procedures aimed at eliminating racism in the workplace and making the institution culturally responsive and responsible.

The objectives of our strategy are to see the development and implementation of an Aboriginal & Torres Strait Islander employment strategy that maximises staff development, along with the transfer of job skills and information in order to increase Indigenous knowledge, independence, remuneration, job security and self sufficiency. In addition, Enterprise Agreements should increase, encourage and foster Indigenous employment and participation at all levels within universities.

To ensure that these objectives are met employers, jointly with the NTEU, are asked to ensure that the following measures are undertaken:

- examine higher education staff data as reported to DEST in order to establish the accuracy of those statistics as they relate to the work places covered by agreements; and
- develop agreed targets for employment initiatives aimed at ensuring that the percentage of Aboriginal & Torres Strait Islander staff in the higher education institution is no less than the percentage of Indigenous persons in the general population. Each organisational unit within a higher education institution is also required to establish identified positions for Australian Indigenous people.
- develop a series of performance indicators for the employment strategy which address:
  - participation of Indigenous employees in cultural and ceremonial activities;
  - professional and career development opportunities;
  - the classifications and levels of positions occupied by Aboriginal & Torres Strait Islander employees as compared to positions occupied by non-Aboriginal & Torres Strait Islander persons;
  - retention and promotion of Indigenous staff; and
- a review (at least annually) of the numbers of Aboriginal & Torres Strait Islander people actually employed, compared to the targets developed, in order to assess progress and develop further measures to give effect to the Indigenous employment strategy.

A number of provisions specific to the employment conditions of Aboriginal & Torres Strait Islander staff are also included in the NTEU's log of claims including clauses that address, but are not necessarily limited to:

- workload regulation;
- special study leave, (howsoever named);
- promotion of Indigenous staff;
- the provision of Indigenous leave to allow employees who are members of Aboriginal or Torres Strait communities to prepare for or attend community organisation business, National Aboriginal and Islander Day Observation Committee Week functions, or other relevant cultural events; and
- Indigenous language allowances.

In addition to issues that specifically address employment conditions, NTEU is also seeking to have universities and other higher education institutions develop policies that:

- establish an Indigenous Employment Strategy Development and Implementation Committee,
- facilitate the appointment of a Pro Vice-Chancellor (Indigenous), and
- the Indigenousisation of Indigenous Centres.

## **Outcome of NTEU Strategy**

The NTEU's strategy has been successful with the majority of Enterprise Agreements already signed, having adopted most if not all of the NTEU's claims. A number of institutions, including Charles Darwin University, Edith Cowan University and University of Newcastle, have set employment targets above the national population benchmark to reflect the proportion of Indigenous Australians living in the local region.

In terms of broader reconciliation issues, one of the benefits of the NTEU's approach has been to raise the consciousness of Indigenous issues within the higher education sector. Issues such as self-determination and recognition of Indigenous cultural protocols are seen as being the first step towards reconciliation.

On a more practical level, the inclusion of employment targets and working conditions has forced Australian universities to specifically address their current employment practices and conditions. This consideration includes the specific objectives of increasing Indigenous employment levels and retention rates within the sector and ensuring that conditions of employment are culturally appropriate and sensitive to the socio economic background of Indigenous employees.

The Federal Minister for Education Science and Training has also reinforced the NTEU Indigenous employment strategy through the adoption of enhanced guidelines for Tertiary Indigenous Support Funding. The guidelines require the university to establish an Indigenous Advisory Committee and to develop and implement through this committee, an Indigenous employment strategy. The Minister has provided and an extra \$10.3 million to the Indigenous Support Fund to facilitate this initiative.

As mentioned above, in 2000, there was an equivalent of 520 full-time Indigenous staff employed at Australian universities, which only represented 0.74% of total employment in the sector. By 2004 this number had risen to 643 full time equivalent employees. Over this period Indigenous employment increased by 24%, compared to only 11% for university employees.

While Indigenous employment still only represents 0.82% of total employment at Australian universities and has a long way to go before the population benchmarks are achieved, NTEU is encouraged that Indigenous employment at Australian universities is trending in the right direction and are confident that once all the new Indigenous employment strategies are finalised and implemented, this will proceed at an accelerated pace. Please find attached to this submission the Indigenous employment figures for all universities from 2000-2004.

## **Recommendations**

NTEU urges the Standing Committee to:

Recommend that;

The Federal Government's Indigenous employment program policies be reviewed to recognise the diversity of Indigenous labour markets and to more specifically support the objectives of positions established therein and to develop further policies to promote the adoption of this strategy across all industry sectors,

and that;

The Federal Government provide funding allocations and adopt policy reforms for the development of employment programs that revive local Indigenous economic resource bases in order to establish sustainable regional labour markets that are culturally, socially, economically and / or politically relevant to Indigenous peoples and communities,

and that;

The Federal Government increase the number of programs and level of funding allocated to improve Indigenous participation in and achievement at all levels of education and training, and to provide additional resources to increase the number and to improve the quality of employment outcomes through Indigenous education and training programs.

Specific policy initiatives and strategies required to fully develop and implement the proposed recommendations above are contained in the attached submissions.



**Indigenous and Total Employment at Australian Universities**

**Full Time Equivalent (FTE) 2001 and 2004**

State/Institution	2001			2004			Change 2001 to 2004	
	Indigenous	All	Indigenous % of All	Indigenous	All	Indigenous % of All	Indigenous	All
New South Wales								
Charles Sturt University	20	1460	1.37%	13	1,508	0.86%	-35%	3%
Macquarie University	7	1412	0.50%	13	1,577	0.82%	86%	12%
Southern Cross University	30	619	4.85%	27	671	4.02%	-10%	8%
The University of New England	14	1167	1.20%	17	1,203	1.41%	21%	3%
The University of New South Wales	14	3825	0.37%	20	4,257	0.47%	43%	11%
The University of Newcastle	29	1981	1.46%	45	2,205	2.04%	55%	11%
The University of Sydney	17	4671	0.36%	25	5,217	0.48%	47%	12%
University of Technology, Sydney	22	1722	1.28%	21	2,034	1.03%	-5%	18%
University of Western Sydney	23	1988	1.16%	16	2,072	0.77%	-30%	4%
University of Wollongong	11	1261	0.87%	19	1,420	1.34%	73%	13%
<b>Total New South Wales</b>	<b>187</b>	<b>20230</b>	<b>0.92%</b>	<b>217</b>	<b>22,301</b>	<b>0.97%</b>	<b>16%</b>	<b>10%</b>
Deakin University	14	1802	0.78%	22	2,113	1.04%	57%	17%
La Trobe University	6	2085	0.29%	8	2,281	0.35%	33%	9%
Monash University	14	4497	0.31%	9	5,095	0.18%	-36%	13%
Royal Melbourne Institute of Technology	4	2230	0.18%	3	2,486	0.12%	-25%	11%
Swinburne University of Technology	0	830	0.00%	0	940	0.00%	0%	13%
The University of Melbourne	14	4653	0.30%	20	5,325	0.38%	43%	14%
University of Ballarat	2	407	0.49%	0	473	0.00%	-100%	16%
Victoria University of Technology	5	1160	0.43%	5	1,237	0.40%	0%	7%
<b>Total Victoria</b>	<b>59</b>	<b>17664</b>	<b>0.33%</b>	<b>67</b>	<b>19,950</b>	<b>0.34%</b>	<b>14%</b>	<b>13%</b>
Central Queensland University	13	1001	1.30%	16	1,140	1.40%	23%	14%
Griffith University	23	2372	0.97%	32	2,634	1.21%	39%	11%
James Cook University	17	1206	1.41%	23	1,347	1.71%	35%	12%
Queensland University of Technology	6	2501	0.24%	8	2,816	0.28%	33%	13%
The University of Queensland	13	4666	0.28%	22	5,081	0.43%	69%	9%
University of Southern Queensland	9	1117	0.81%	11	1,191	0.92%	22%	7%

University of the Sunshine Coast	0	224	0.00%	2	299	0.67%	100%	33%
<b>Total Queensland</b>	<b>80</b>	<b>13087</b>	<b>0.61%</b>	<b>114</b>	<b>14,508</b>	<b>0.79%</b>	<b>43%</b>	<b>11%</b>
Curtin University of Technology	38	2311	1.64%	26	2,577	1.01%	-32%	12%
Edith Cowan University	31	1427	2.17%	37	1,505	2.46%	19%	5%
Murdoch University	15	1097	1.37%	14	1,157	1.21%	-7%	5%
The University of Notre Dame Australia	4	113	3.54%	7	195	3.59%	75%	73%
The University of Western Australia	15	2447	0.61%	26	2,750	0.95%	73%	12%
<b>Total Western Australia</b>	<b>103</b>	<b>7394</b>	<b>1.39%</b>	<b>110</b>	<b>8,184</b>	<b>1.34%</b>	<b>7%</b>	<b>11%</b>
The Flinders University of South Australia	11	1437	0.77%	14	1,413	0.99%	27%	-2%
The University of Adelaide	11	2105	0.52%	11	2,181	0.50%	0%	4%
University of South Australia	15	1923	0.78%	19	2,086	0.91%	27%	8%
<b>Total South Australia</b>	<b>37</b>	<b>5465</b>	<b>0.68%</b>	<b>44</b>	<b>5,679</b>	<b>0.77%</b>	<b>19%</b>	<b>4%</b>
Tasmania								
Australian Maritime College	0	172	0.00%	1	190	0.53%	100%	10%
University of Tasmania	7	1420	0.49%	15	1,550	0.97%	114%	9%
<b>Total Tasmania</b>	<b>7</b>	<b>1592</b>	<b>0.44%</b>	<b>16</b>	<b>1,740</b>	<b>0.92%</b>	<b>129%</b>	<b>9%</b>
Northern Territory								
Batchelor Institute of Indigenous Tertiary Education	24	103	23.30%	33	101	32.67%	38%	-2%
Northern Territory University	9	334	2.69%	20	341	5.87%	122%	2%
<b>Total Northern Territory</b>	<b>33</b>	<b>437</b>	<b>7.55%</b>	<b>53</b>	<b>442</b>	<b>11.99%</b>	<b>61%</b>	<b>1%</b>
Australian Capital Territory								
The Australian National University	7	2811	0.25%	12	3,387	0.35%	71%	20%
University of Canberra	0	832	0.00%	0	803	0.00%	0%	-3%
<b>Total Australian Capital Territory</b>	<b>7</b>	<b>4042</b>	<b>0.17%</b>	<b>12</b>	<b>4,562</b>	<b>0.26%</b>	<b>71%</b>	<b>13%</b>
Multi-State								
Australian Catholic University	7	736	0.95%	10	823	1.22%	43%	12%
<b>TOTAL</b>	<b>520</b>	<b>70647</b>	<b>0.74%</b>	<b>643</b>	<b>78,189</b>	<b>0.82%</b>	<b>24%</b>	<b>11%</b>