



**Submissions: Social Security and Veterans'
Entitlements Legislation Amendment
(Schooling Requirements) Bill 2008**

Aboriginal Legal Service of
Western Australia (Inc).

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SUBMISSIONS OF THE ABORIGINAL LEGAL SERVICE OF WESTERN AUSTRALIA (INC) IN RELATION TO THE SOCIAL SECURITY AND VETERANS' ENTITLEMENTS LEGISLATION AMENDMENT (SCHOOLING REQUIREMENTS) BILL 2008

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Introduction

The Aboriginal Legal Service of Western Australia (ALSWA) strongly opposes the proposed changes to the payment of income support payments under the Social Security and Veterans' Entitlement Legislation Amendment (Schooling Requirements) 2008 (the Bill).

ALSWA submits that the introduction of punitive measures to ensure the enrolment and attendance of children at school is a draconian measure that will further disadvantage low income families. The long term prospects for keeping students in education are dismal if only a punitive approach is used. A better approach would be to encourage Aboriginal students to attend school by creating a more welcoming and culturally secure environment. The reasons as to why children do not want to engage in the school process needs to be determined rather than threatening and punishing them into school attendance.

ALSWA submits that the Bill will have the opposite affect on Aboriginal people as to what is intended by Parliament. It will work to further alienate Aboriginal parents and children from the school community rather than increase their participation. It will break down family relationships, increase crime levels and cause greater stress for families who already live in stressful conditions.

The purpose of this submission is to discuss reasons for Aboriginal truancy, the defects in the proposed legislation, identify the practical consequences of such legislation on Aboriginal children and their families and put forward some alternate and more positive measures.

Aboriginal Legal Service of Western Australia (Inc)

ALSWA was established in 1973. It is a community based organization that provides legal advice and representation to Aboriginal and Torres Strait Islander individuals and groups in a wide range of areas. Its service extends throughout Western Australia via 17 regional/remote offices and one metropolitan office.

ALSWA is the preferred legal service provider for Aboriginal and Torres Strait Islander peoples living in Western Australia, and makes submissions on that basis.

ALSWA has also recently established a Western Australian Aboriginal Advisory Committee (“WAAAC”) to advise governments and other bodies about law and justice issues affecting Aboriginal and Torres Strait Islander peoples living in Western Australia. Members include ALSWA’s Chief Executive Officer, the Executive Officer and 16 executive committee members¹ elected by the Aboriginal and Torres Strait Islander peoples from their local regions to speak for them on law and justice issues. WAAAC members and their support staff are also responsible for consulting with Aboriginal and Torres Strait Islander communities to ensure that those views are also made available.

Summary of Recommendations

ALSWA submits the following recommendations:

1. ALSWA recommends that the Government consider the recommendations and outcomes of existing trials across Australia, such as those carried out in Geraldton and Halls Creek before embarking on similar trials.
2. ALSWA recommends that the Government should restore at a community level the involvement and ownership by Indigenous people in the education of their children, and in partnership with providers, to progressively improve attendance, teaching, and outcomes across all schools.
3. ALSWA recommends that the ASSPA program be refunded by the Commonwealth government.
4. ALSWA recommends that teachers in schools with a high number of Aboriginal students should be adequately trained in cross-cultural issues, teaching for students who speak English as a second language and the need for strong ties with the parents and local Aboriginal community.

¹ There are 2 executive officers for each of the former 8 ATSIC regions (Metropolitan, Central Desert Region, Murchison/Gascoyne Region, Southern Region, Pilbara Region, Goldfields Region, West Kimberley Region and East Kimberley Region). They are elected by the Aboriginal and Torres Strait Islander public every 3 years.

5. ALSWA recommends that the recommendations from the Kimberly Inquiry be implemented in consultation with the local Aboriginal community.
6. ALSWA recommends that methods of positive reinforcement be considered by Government rather than punitive measures. The aim of such methods should be to improve the school environment for Aboriginal students. The recommendations and programs mentioned within ALSWA's submission should be considered.

Background to 'no school, no welfare trial' in WA

In Western Australia, two trials have already been run in both Halls Creek and Geraldton which linked welfare payments to school attendance to help combat truancy. The outcomes of these trials are discussed in detail below:

The Halls Creek Engaging Families Trial February – July 2006

The Halls Creek *Engaging Families* trial initially involved 30 parents. The trial sought to achieve a social behavioral change in parents and children by using a purely voluntary approach. Parents agreed to participate in trial activities including a Working Life course run by Job Futures, meetings with a Centrelink social worker and participation in an Employment and Training Expo.

Given the voluntary nature of the trial, it was decided to increase resources available to participants to encourage them to stay involved in the trial. This included Centrelink staff personally picking parents up from their homes so they would turn up for agreed activities, and doing many follow-ups where parent could not easily be contacted during the trial. School children, however, were intentionally not picked up and taken to school because the trial focused on engaging the parent and encouraging them to ensure the children got to school.

Twenty eight of the 30 parents participated in at least 2 activities and 22 remained in the trial to its completion. The school attendance of their children did not improve over the course of the trial. Any attempt by the trial organizers to encourage the school to hold parent-teacher interviews for trial participants failed.²

Below is a summary of the findings of the Halls Creek evaluation report:

“The many socio-economic disadvantages experienced by Indigenous residents of Halls Creek act to constrain the parents' opportunities for engagement in functional community life. In particular, the lack of employment options provided little opportunity for paid work and the lack of suitable housing and concomitant overcrowding thwarted the little opportunity there was for engagement in work related activities. Improvements in the numbers of housing stock and their quality, along with improvements in local employers' of the benefits of employing local Indigenous workers would help ameliorate the situation.

² Department of Employment and Workplace Relations (2006), 'Halls Creek *Engaging Families* Trial February-July 2006 Evaluation Report' p.3, see <http://mediacentre.dewr.gov.au/NR/rdonlyres/2B10D46E-592B-4531-B149-A5B91E6_6/10/2008

It also became apparent that the parents of Indigenous children are not the only 'lever' or 'method of engagement' that can be used to get the children to attend school. The evidence pointed to the pivotal role that teachers and the school 'culture' itself plays in a community where children decide their own time use patterns from an early age".³

Recommendations from the trial included:

- Investigate ways of achieving higher teaching quality in Halls Creek;
- Department of Education and Workplace Relations to conduct employer awareness training in Halls Creek covering issues such as how to help ensure the reliability and presentational skills of local employees in order to avoid having to import staff;
- Look at the broader issues that arise in remote and disadvantaged communities such as Halls Creek; and
- The relevant departments review opportunities for engagement b helping to provide access to more jobs and to more houses and by undertaking smaller community development style projects.⁴

It was concluded that the Halls Creek Engaging Families trial should not be extended for another period as it was unsuccessful.

To ALSWA's knowledge none of the above recommendations have been implemented. Efforts by the government to implement parts of these recommendations have been done without effective consultation with the local community and have therefore largely failed.

Geraldton Truancy Scheme

The Geraldton truancy scheme stopped Abstudy and Youth Allowance payments to high school students who skipped school. The Western Australian Minister for Education said the program aimed at reducing the debts students incur at Centrelink.

The students were asked to sign an agreement saying they understand they will have their payments cut if they miss school. In this way the program differed to the Halls Creek trial because the payment cuts were made directly to students, rather than to parents.

No evaluation report of this scheme could be located by ALSWA. As far as ALSWA is aware this scheme was not implemented after the initial trial.

ALSWA recommends that the Government consider the recommendations and outcomes of existing trials across Australia, such as those carried out in Geraldton and Halls Creek before embarking on similar trials.

³ Ibid

⁴ Above, n.1, 35

The Proposed Bill's Impact on children and families

No Income

Unlike other schemes, which work to control social behavior through income management, this Bill would result in parents receiving no income at all during the suspension period or if the payments are cancelled. Neither the Bill nor the Explanatory Memorandum refers to any provision or financial case management (the scheme whereby eligible people subject to 8-week non-payment periods had their essential expenses paid during a non-payment period).

ALSWA submits that the consequences of families not having any income are significant. Increased crime rates, domestic violence, children going hungry are just a few of the associated issues.

ALSWA has serious concerns that cancelling welfare payments will result in children and young people being physically disciplined by parents in attempts to force children to school. Such actions will result in school being further associated with punishment and will negatively impact on parent/child relationships.

ALSWA suspects that stopping payments will actually work to increase the number of children not attending school. If for instance one child in a family of five is truanting and the payments are cut, it may result in all five children not being able to attend school due to parents not being able to afford bus fare, stationary or food for lunches.

Interrelated factors

The Government will work with families to achieve satisfactory enrolment and attendance by 'offering assistance to help them overcome any barriers that may be impacting on their ability to satisfy the requirement of the school'⁵. The extent of such assistance is not defined.

In the Halls Creek trial, Centrelink offered extensive assistance to the parents in terms of setting up parent teacher meetings, driving the parents to those meetings and doing follow up visits with families from more outlying areas. The final evaluation report concluded that such assistance did not increase the attendance rates of the children whose parents were assisted.

There are many interrelated factors as to why Aboriginal children have low attendance rates at schools. Issues such as domestic violence, drug and alcohol abuse and general social dysfunction are often key factors. Many children will leave their homes at night if there is a fear of violence or abuse. This often means that the children have very little sleep and are therefore not prepared for the following school day. They may not have had any food during this time.

⁵ Julia Gillard, 2nd Reading Speech, Hansard, 27 August 2008

If the Government is serious about addressing the truancy issues of Aboriginal children, greater resources and services must be put into Aboriginal communities to combat such issues. ALSWA submits that there is little point in implementing programs and monies into communities without first consulting with the local community.

Administrative issues

According to the proposed Bill, parents will be sent a notice giving them at least 14 days (or more time by negotiation with the agreement of Centrelink) to provide evidence of enrolment or attendance at school. If they do not respond to the notice or if they do not provide satisfactory reasons as to why their child is not enrolled or attending school, their payment will be suspended for up to 13 weeks.

For Aboriginal and Torres Strait Islander people cultural, family and community commitments are a priority and often interfere with what is required of them by mainstream services. A lot of people will thus have their payments cut off because they have not responded to the letter. Other people will not receive the letter due to constant change of address and some people may not be able to read the letter.

The Bill provides for the suspension and cancellation of 'schooling requirement' income support payments where parents do not comply with a notice in relation to school enrolment or attendance of their 'schooling requirement child'. Once cancelled, a parent would need to reapply for their payment. If they cannot provide evidence of enrolment and satisfactory attendance during the relevant schooling requirement period, it is likely as soon as their claim is granted, their payment will be suspended.

Approximately 1 in 5 Aboriginal and Torres Strait Islander peoples living in remote areas have difficulty understanding or being understood by service providers.⁶ As previously mentioned, many Aboriginal people cannot read and write. The process of getting to the local Centrelink office, which can be located hundreds of kilometers away, speaking to Centrelink staff, filling out the correct forms and having the correct documents to attach is a very intimidating and difficult process for many Aboriginal people.

The large amount of Aboriginal people in debt must also be considered. People who have their welfare cut off will be penalized for not keeping up with debt repayments.

Issues linked to Aboriginal truancy

Education and the older generations

Until the 1950's, Aboriginal children were segregated from public schools. The Education Department used the 1893 Education Act, which allowed for the expulsion of

⁶ Australian Bureau of Statistics 2001 Census <http://www.abs.gov.au/>

any pupil 'suffering any infectious or contagious disease, or whose presence was otherwise injurious to the health and welfare of other children'.⁷

Due to this provision, many Aboriginal children were excluded from most state schools even though the Aborigines Department still required parents to send their children to school or face their being removed. Because of this situation, various mission institutions subsidised by the Department provided the major source of education for Aboriginal kids. Most other children who were not living in or near a mission settlement missed out on an education.

These past policies of segregation, protection and assimilation have formed the context for the relationship of Aboriginal people and schooling. Schools were institutions that rejected Aboriginal students based on racial stereotyping or in the case of mission schools, were institutions of assimilation. As a result, complex, distant and sometimes discordant relationships exist between some schools and their Aboriginal communities, inhibiting parents' participation in decision making and students' participation in programs, and stunting the effectiveness of teaching and learning programs. Unlike opportunities afforded to non-Aboriginal parents to participate in their children's education, no such comparable expectation and opportunity exist for Aboriginal parents.⁸

In recent years, educators have been emphasising the importance of parent and community participation in schooling. Involvement of parents and community members in the planning and delivery of school programs have been recognized as a way to achieve improved attendance and participation of children. Despite this, there has been no serious efforts by the Government to rectify the damage done by past government policy.

Ensuring that the relationship between Aboriginal parents and the schools is improved is paramount to increasing the attendance rate of Aboriginal children. If parents do not understand the importance of an education and feel comfortable within a school environment it cannot be expected that they actively encourage their children to participate.

ALSWA recommends that the Government should restore at a community level the involvement and ownership by Indigenous people in the education of their children, and in partnership with providers, to progressively improve attendance, teaching, and outcomes across all schools.

⁷ Haebick, Anna (2000) *Broken Circles – Fragmenting Indigenous Families 1800-2000*, Fremantle Arts Centre Press, p.253

⁸ Department of Education, Science and Training, 'Review of the Indigenous Education Direct Assistance Program – Final Report' see http://www.dest.gov.au/NR/rdonlyres/2E60A69B-BC4C-49E3-8C14-8D6146CC7C5E/1488/ieda_review_final_report.pdf, 7/10/08, p.40

Cultural Security

Improving the cultural security for Aboriginal students' at all State schools is essential to increasing attendance rates. Contemporary Australian schools are steeped in the values and traditions of Western society. The focus of Australian schools is on the reinforcement of these values and traditions, which are alien to many Aboriginal Australians.⁹

Evidence strongly suggests that Aboriginal independent schools, which incorporate Aboriginal language and culture into the main curriculum has the best retention rates of students. It makes the education meaningful to student's everyday life experiences and teaches them in a way that is familiar. Schools have the primary responsibility for the relationship between schools and the parents/community.

The Aboriginal Student Support and Parent Awareness Program (ASSPA) was a Commonwealth program which provides funding to school-based parent committees for a range of activities designed to increase school participation and attendance by Aboriginal and Torres Strait Islander children. Funding was provided to schools on the basis of the number of Aboriginal children enrolled. It was intended that the parent committee decides how the funds are to be spent within the school.

A range of language and cultural activities have resulted from ASSPA funding. These include producing language teaching resources and bush trips. Localisation of decision making yielded activities suited to the particular school. The success of many of these committees has been in bringing the Aboriginal community and the school together, providing them with real decision making powers and building a better mutual understanding.

In early 2000, the Commonwealth government ceased funding the ASSPA program. This is despite the fact that some of the key findings were:

- The emphasis the program places on involving parents in school education makes it one of the most important Indigenous education programs;
- ASSPA has been successful in increasing Aboriginal parental involvement in schools. In the space of 12 years, over 3,811 ASSPA committees have been established nationally;
- Instances where the ASSPA program was recognized, valued and embedded within the practices of the school community generally had a significant impact on the relative effectiveness of the ASSPA program;
- in some locations, particularly where Aboriginal people are the majority and effective partnerships take place, there is a high level of involvement in the educational decision making;

⁹ Ibid

- Although there was not quantitative data available for the review, many of those consulted believed that ASSPA had an impact on the participation rate and attendance levels of Aboriginal students. In many cases, ASSPA significantly increased Aboriginal students' access to school programs and activities, expanded students' educational horizons and helped raise students' confidence and self-esteem in the classroom.
- Case studies highlighted the potential of ASSPA to significantly improve student attendance and retention.¹⁰

The Commonwealth government stopped the ASSPA program with the focus of mainstreaming education programs and services.

ALSWA recommends that the ASSPA program be refunded by the Commonwealth government.

Standard of schooling for Aboriginal students

It is important that schools meet the needs of Aboriginal students if the retention rate is to improve. Teachers need to be trained in teaching students who speak English as a second language. Cross-cultural training should be an integral part of teacher training for those that teach in schools with high Aboriginal populations.

Cultural business such as attending funerals or lore ceremonies must be understood and accepted by schools and teachers. Some children may be away from school for a number of days or weeks for such reasons.

Materials such as pencils and pads should be readily available to all students. Aboriginal and Islander Education Officer's(AIEO) have told ALSWA that parents will not send their children to school if they do not have the appropriate uniform or clothes or cannot afford adequate stationary. Parents fear that their children may be ostracized and/or are embarrassed to send their children to school ill equipped. This issue is exacerbated if school starts off pension week. Very few Aboriginal parents will call the school asking for assistance due to embarrassment. Schools need to be more proactive in combating such simple issues. They need to ensure that parents are comfortable and ready to sent their children to school and that a connection is established between the parents and their children's teachers.

ALSWA recommends that teachers in schools with a high number of Aboriginal students should be adequately trained in cross-cultural issues, teaching for students who speak English as a second language and the need for strong ties with the parents and local Aboriginal community.

¹⁰ Ibid, pp.41-42

The low literacy and numeracy rates of Aboriginal people are worse in regional and remote areas. In the recent coronial inquiry into the high rate of Aboriginal deaths in the Kimberley, evidence was given by the Acting Executive Director, Teaching and Learning North with the Department of Education and Training that only 30-35% of Aboriginal students in the Kimberley leave school with literacy and numeracy skills required to successfully engage in further training and employment. The percentage is higher in the major centers of Broome and Kununurra and much lower in almost all of the remote community schools. For example in the Fitzroy valley schools the data indicates that upward of 80% of students are likely to leave school lacking appropriate literacy and numeracy skills to successfully engage in further training and employment.¹¹

Some suggestions to improve attendance rates at schools as suggested by the Executive Director included:

- That facilities available at schools, including the buildings and other infrastructure, could be made available for a number of different purposes that would meet the needs of the whole community;
- A 'zero to eight' strategy would be helpful in attempting to ensure that children are positioned so that they can derive benefit from an education;
- Breakfast and lunch should be provided at the schools.¹²

Recommendation 14 of the Coronial inquiry is that remedial teaching be provided to children attending school who have not achieved basic education level for their ages. The Coroner also recommended the need for a whole of government approach aimed at addressing truancy and its causes.

ALSWA recommends that the recommendations from the Kimberly Inquiry be implemented in consultation with the local Aboriginal community.

Lack of employment

In Western Australia, the career prospects for many Aboriginal students are minimal. This knowledge gives many Aboriginal students little motivation to work towards a good education.

ALSWA advises that there is not enough work in rural and regional areas for many students to gain stable employment. In all areas of Western Australia lack of jobs for Aboriginal and Torres Strait Islander peoples is exacerbated by factors such as poor health, lack of training, social disadvantage and racism. In Western Australia racism is an integral part of Aboriginal people's lives. Pre-conceived stereotypes of Aboriginal and Torres Strait Islander people commonly reduce chances of accessing gainful employment.

¹¹ Hope, Alistair (State Coroner), Inquest into 22 deaths in the Kimberley Region, February 2008, p.66

¹² Ibid

In relation to improving the expectations and opportunities for young Aboriginal people, ALSWA submits a need to review the way 'job ready' training and career opportunities are currently presented through the education system in Western Australia.

For many of our young people, the existing system may not be culturally relevant and/or inclusive. Because of this, there needs to be a concerted effort by schools and other key stakeholders to ensure that our young people are being taught in an appropriate way that is consistent with their everyday reality.

This can be achieved by ensuring that educators and employers have a greater insight into the complex and diverse issues faced by Aboriginal and Torres Strait Islander peoples from urban, remote and regional areas of Western Australia.

It is ALSWA's experience that young Aboriginal people are often taught by schools and society in general, not to aim too high or to expect too much out of life. This mentality must be changed and teachers and schools in partnership with local communities must make a concerted effort to encourage and support young Aboriginal people to achieve their ambitions.

Positive Reinforcements rather than punitive measures

ALSWA submits that punitive measures will work to further alienate children from the education system. Positive reinforcement would be significantly more beneficial.

A good example of such reinforcement is the introduction of breakfast and lunch programs. Results from the Foodbank WA School Breakfast program Survey found the following:

- 78.3% of respondents indicated an improvement in the health of students, 13.3% of which indicated substantial improvement.
- 81.7% of respondents indicated an improvement in class attendance, of which 19.2% of respondents indicated a substantial improvement in attendance.
- 90% of respondents indicated an improvement in engagement with class activities, 27.2% of which indicated a substantial improvement.
- 75% of respondents indicated an improvement in social skills, of which 32.1% indicated substantial improvement.
- 90.3% of respondents indicated an improvement in student concentration levels, of which 29.2% indicated a substantial improvement.
- 82.5% of respondents indicated an improvement in the level of parent participation in school activities, of which 30.8% indicated a substantial improvement.¹³

The results of this survey are significantly more positive than those results of the Halls Creek *Engaging Families* trial.

¹³ Foodbank WA (2008), 'Development and Delivery of Health Promotion Campaigns and Programs in Western Australia', Annual Activity Report July 2007-08, pp.79-80.

ALSWA recommends that methods of positive reinforcement be considered by Government. The aim of such methods should be to improve the school environment for Aboriginal students. The recommendations and programs mentioned within ALSWA's submission should be considered.

Conclusion

The Social Security and Veterans' Entitlement Legislation Amendment (Schooling Requirements) 2008 will work to further alienate Aboriginal people from the education system. Stopping income payments will be detrimental to families and further increase the lower socio-economic issues and dysfunction of many Aboriginal families. ALSWA submits that positive reinforcements rather than punitive measures is the government's way forward in increasing Aboriginal attendance and enrolment in schools.