



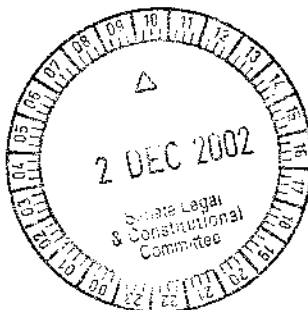
OFFICE OF THE  
COMMISSIONER FOR  
CHILDREN



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Your Ref:  
Our Ref:



Patmalar Ambikapathy  
Commissioner for Children

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27 November, 2002

Mr Peter Hallahan  
Secretary  
Legal and Constitutional References Committee  
PARLIAMENT HOUSE  
CANBERRA ACT 2600

Dear Mr Hallahan,

**Re: Submission on the Inquiry on the Progress Towards National Reconciliation**

Please find enclosed Submission on the above for the information of Legal and Constitutional References Committee. This enclosure is the hard copy of the submission signed by myself and by Ms M.Pitchford Brown (Independent Indigenous Consultant), that was originally sent to you in draft form on the 15/11/02.

Yours sincerely,

Patmalar Ambikapathy  
Commissioner for Children

Encl-

Submission on the Inquiry on the Progress Towards National Reconciliation

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INDEPENDENCE



SUBMISSION TO THE LEGAL AND  
CONSTITUTIONAL REFERENCES  
COMMITTEE OF THE AUSTRALIAN  
SENATE

RE; INQUIRY ON THE PROGRESS TOWARDS  
NATIONAL RECONCILIATION

From

**Patmalar Ambikapathy**  
**Commissioner for Children**  
**Tasmania**

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**Dated: 15<sup>th</sup> November 2002**

**SUBMISSION BY OFFICE OF THE COMMISSIONER FOR CHILDREN  
TASMANIA TO THE LEGAL AND CONSTITUTIONAL REFERENCES  
COMMITTEE OF THE AUSTRALIAN SENATE**

**RE: INQUIRY ON THE PROGRESS TOWARDS NATIONAL  
RECONCILIATION**

Introduction

I make this submission as Commissioner for Children in Tasmania. I am assisted in this endeavour with information obtained from a member of my Advisory Committee Ms Marilyn Pitchford-Brown who is from the Tasmanian Aboriginal community. We will note the four national strategies, but will not confine ourselves to it, as there are unique features of disadvantage faced by the community in Tasmania, with particular reference to children and young people. We also note that there are differing views on what constitutes Reconciliation, and accordingly we have chosen the theme of disadvantage faced by children and youth how this can be addressed by using a human rights perspective based on the United Nations Convention on the Rights of the Child. This submission will focus on childhood development and juvenile justice.

Some Statistics that Demonstrate Disadvantage

Confinement of Tasmanian mothers aged 15 to 17 years	1.5%
Australian average (1997)	1.0%
Births to Tasmanian Aboriginal mothers under 20 years in 1997	19.4%
Non-Aboriginal (1997)	7.8%
Aboriginals Out of home care in relative care	34.2%
Non-Aboriginal (2000)	40.6%

In 1998 family functioning problems, as analysed by Department of Health were worse in the Tasmanian Aboriginal population compared to population of the rest of Tasmania. (Source Strategic Policy Framework: Department of Health & Human Services Tasmania: 2002)

Submission to United Nations Committee on the Convention on the Rights of the Child.

In April 2001 this Office prepared a Report on Tasmania's legislative compliance with the Convention and in that document we highlighted certain disadvantages faced by Aboriginal children and youth. Some were specific to the community and some embedded in the difficulties faced by all children. In April 2002, we updated this Report for the United Nations Special Session on Children and this was filed with the United Nations High Commission for Human Rights in Geneva as well as the Committee.

The concerns listed there were as follows:

### Strategic Areas for Action.

We agree that the items that need to be addressed accord with our concerns for Aboriginal children and youth in Tasmania. They are as follows:-

#### Early Childhood Development and Growth

Anecdotal evidence suggests that young pregnant mothers from the community have insufficient information and support to assist them with alcohol and drug taking during pregnancy, that can damage their future children. This means that children are born with significant deficits that are harder to overcome which compounds the disadvantage already faced by such mothers and children. In particular children will face significant effects in their physical and mental health, growth, language development and later educational attainment.

#### Early Childhood Engagement and Performance

School readiness is a factor that can disadvantage Aboriginal children who have not had the benefit of early childhood services from childcare to playgroups and kindergartens. There are limited culturally appropriate crèches and pre school activities for children. There were Mobile Kindergartens in the three areas of Tasmania with Teachers Aides. They used to travel around to Aboriginal homes and run pre school activities for children. This was a valuable transition between home and other services that the child and mother could then access.

#### Positive Adolescence and Transition to Adulthood

There is an increased need for positive supports within primary and secondary school environments to assist and mentor Aboriginal children and young people to counter the continuing racist and discriminatory behaviour experienced by many within the system and in the playground in bullying incidents. Such disadvantage unless positively addressed, and not addressed in a generic manner within school policies and strategies, will affect retention rates and compound disadvantage by inadequate education and training. Education is the key to the development of children and their ability to access opportunities available to non Aboriginal communities.

Absenteeism from mainstream activities, lack of literacy and numeracy skills and access to cultural, leisure and sporting opportunities affect self-esteem, and places young people at risk with involvement in the juvenile justice system.

#### Abstudy

In recent weeks a directive has been implemented that those attending Aboriginal Training Programs would not be eligible for supplementary loans under Abstudy and the Commonwealth Bank, as such Tafe courses are not now considered to be tertiary courses. It is understood, that only mainstream non Aboriginal Tafe courses are considered for these Loans. This will have an impact on those who attend Aboriginal Training Programs because they will be disadvantaged financially and also many Aboriginal young people who attend here do so because they feel more at ease within this system. Mainstream is not always the way to go for these people.

#### Breaking the Cycle of Substance Abuse

Many factors in the Aboriginal community lead to young people becoming involved in substance abuse, which at worst leads to suicide and over-representation in the juvenile justice system. Educational programs need to be introduced to help these

young people to properly understand the affects of alcohol and drug abuse on their future and the future of their own children.

#### Functional and Resilient Families and Communities

Family violence is a major influence in children and young people's lives, especially Indigenous children and young people, which has a great affect on physical and mental health. This also leads to children and young people to again become depressed and alienated from their families and culture and instead seek solace in and become involved in substance abuse and the juvenile justice system at a young age.

#### Building on the Strength of Indigenous Culture

Aboriginal children and young people need to become involved with and familiar with the traditional richness, strength and multiplicity of supportive and life enhancing cultural activities so that they develop an inner strength and awareness of their unique position in Australian society to which they have a lot to contribute.

#### Functioning Environmental Health Systems

Much of the traditional environment that children and families used to enjoy have been taken away by land use and land rights of the common law system. This deprives children from contact and connection with the land and their entire environment of which they are traditionally part of. This is alienating and damaging to children and families and support needs to be given to initiatives within the Aboriginal communities within Tasmania who are striving to recreate such micro-environments in particular areas.

Children of mothers who have substance abuse problems need culturally appropriate environments where they can reside with their mothers who receive treatment and support to break the cycle of addiction, abuse and consequent disadvantage .

#### Economic Participation

Lack of educational qualifications and previous work experience often disadvantages Aboriginal young people when applying for jobs in mainstream communities, which leads to them living in poor socio-economic conditions.

#### Juvenile Justice.

- a. Over representation of those self identifying as Aboriginal in juvenile custody.
- b. Lack of Dedicated Aboriginal Workers in Ashley, the Juvenile Justice centre in Tasmania
- c. Lack of specific and appropriate services to address juvenile offending in the areas of mental health, drug and alcohol abuse and violence in Ashley, e.g the facilitating of contact between Elders and residents.
- d. Specific implementation of Royal Commission into Aboriginal Deaths in Custody in all juvenile justice processes, including those at Ashley for Tasmania.

#### One Recent Concern

(c) This Office has expressed concern over the national Longitudinal Study of Australian Children (LSAC). The purpose of this study is to provide a major evidence base for policy and intervention initiatives by Department of Family and Community

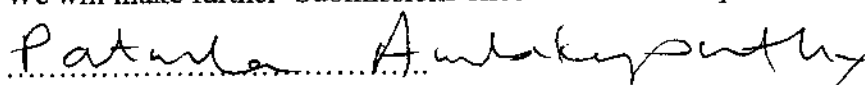
Services. The main concern is that the study will not provide an over-sampling of Aboriginal Children, but will instead not have an adequate representative sampling of Aboriginal children. As a result of this, the proposed study will not produce results that are statistically reliable estimates of the disadvantaged position of Aboriginal children. As there is already enough evidence that this is the most disadvantaged and marginalised group in the country we question a national survey that does not pay adequate regard to this Aboriginal children. We have sought submissions from Aboriginal members of our Advisory Committee and these will be submitted once they are to hand. These are all indications that the process of Reconciliation is being thwarted by short sighted and limited perspectives that are unable to address the needs of the Aboriginal community and their own criteria for Reconciliation.

### Reality of Reconciliation

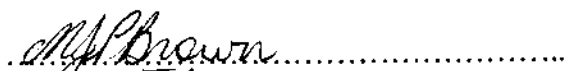
Reconciliation has to address the fundamental issues, as defined by the Aboriginal community, that continue to disadvantage Aboriginal children and youth,:-

1. The Commonwealth Government's response to these disadvantages have been referred to in numerous documents and reports that have examined the position of Indigenous Australians. The Commonwealth Government's response has to include specific plans to redress disadvantage. Commonwealth Plans for dealing with illicit drug use and the prevention of child abuse and neglect as well as the Stronger Families programs have to be specifically developed so that they can review the policies and programs to appropriately address the needs of Aboriginal Children and Families.
2. Implementation can only be effective if they are specific to particular Aboriginal communities, with strategies to achieve defined outcomes and funding arrangements that incorporate both pilot projects as well as sustainable programs that address all areas of disadvantage.
3. This Office would like all details of all Commonwealth Targets, Benchmarks Monitoring And Evaluation mechanisms that have been put in place to address specific Indigenous disadvantage in Tasmania, to work toward Reconciliation.
4. We would also be pleased to be informed of the Government's consultation process with Indigenous children, youth and families to assess their needs and aspirations. It is inadequate to simply write to Aboriginal organisations and expect a response when they have often had insufficient funding or practical support to produce submissions.

We will make further Submissions once we are in receipt of this information.



Patmalar Ambikapathy  
Commissioner for Children  
Tasmania



Marilyn Pitchford-Brown  
Advisory Council Member for Commissioner for Children Tasmania  
Independent Indigenous Consultant