'FOREVER BUSINESS':

A FRAMEWORK FOR MAINTAINING AND RESTORING CULTURAL SAFETY IN ABORIGINAL VICTORIA

by Richard Frankland, Muriel Bamblett and Peter Lewis

This article is primarily a summary of *This is Forever Business: A Framework for Maintaining and Restoring Cultural Safety in Aboriginal Victoria*, a major policy and research report of the Victorian Aboriginal Child Care Agency ('VACCA') involving interviews with 131 Aboriginal leaders, community members and young people in six community areas. In our report we call traditional culturally-based forms of identity, belonging, stability and protection which create meaning and connection for Aboriginal peoples cultural safety. The interviews focused on the importance of processes that maintain and re-store cultural safety for Aboriginal children and families.

In Victoria, the Children, Youth and Families Act[1] contains specific sections which promote Aboriginal self-determination and cultural connection as fundamental principles for the promotion of the best interests of Aboriginal children. The Victorian Department of Human Services also highlights in their policy documents the importance of applying the 'lens of culture' in determining the safety, stability and developmental needs of vulnerable children.[2] This legislative and policy framework engenders culturally safe practice and is a response to the detrimental impact of past child welfare policies that led to the Stolen Generations.

In line with VACCA's commitment to the safety of Aboriginal children and young people and vision for an Aboriginal community 'that is strong in culture, values their children and young people and recognises the importance of the whole community in raising children and keeping families together',[3] the purpose of the report is to provide a framework for:
a) understanding the current situation of Aboriginal communities in Victoria;
b) empowering Aboriginal communities to develop processes and services which promote cultural safety; and
c) governments and their departments to create a respectful partnership with Aboriginal communities in Victoria, through the creation of a culturally safe service system and environment for Aboriginal children, young people, families and communities.

Culture is essential for the spiritual, emotional and social growth and maintenance of all peoples. For the Aboriginal peoples of Victoria, culture is their spear and shield; their resistance and their resilience. A key challenge is to address the partial removal of traditional culturally-based forms of identity, belonging, stability and protection within Aboriginal communities, in addition to addressing the processes which disempower Aboriginal peoples and disable their voice and ability to practice self-determination.

The term cultural safety first emerged in the context of the Maori nursing fraternity in Aotearoa/New Zealand. Cultural safety is:

> An environment that is safe for people: where there is no assault, challenge or denial of their identity, of who they are and what they need. It is about shared respect, shared meaning, shared knowledge and experience, of learning, living and working together with dignity and truly listening.[4]

There is a fundamental need for all people to feel culturally safe. Every person needs to feel that their sense of self and identity is valued in some way by the people and environments that surround them. One of the fundamental needs of people is to have a sense of meaning as they live their lives: how one sees them self in relationship to others and the world impacts their wellbeing and health.

The diminishing of cultural safety in Australia occurs through a lack of respect and recognition of the positive aspects of Aboriginal culture and its centrality in creating a sense of meaning and purpose for Aboriginal peoples. Commonly, the concept of cultural safety is used in the context of promoting mainstream environments which are culturally competent. However, there is also a need to ensure that Aboriginal community environments are also culturally safe and promote the strengthening of culture. It is this latter understanding that the report focused on. It is our contention that a cultural safety framework can be used as an Aboriginal culturally-informed tool for

policy and service development in the Aboriginal human services sector.

Before the invasion, Aboriginal children, in what is now known as Victoria, lived in environments which were socially, emotionally, physically, spiritually and culturally safe. While there would have been occasions when the environment or intra-nation disputes caused disruption for nation groups, Aboriginal children were protected, nurtured and cared for by their family, clan and nation. They lived in positive environments which provided love, safety and meaning. Aboriginal children were safe in their culture and in their connection to family and community.

The impact of invasion and colonisation forever changed the lives of Aboriginal children, their families and communities. Traditional places, rituals, economies and relationships which generated and maintained cultural safety and connectedness were dissipated by the forces and dynamics of colonisation. Today, the Aboriginal communities and tribes of Victoria are attempting to maintain and, where required, restore those places. This is despite the tide of history and large sectors of the non-indigenous community that lack understanding and cultural respect.

> The fight to maintain and restore cultural safety has never stopped. This was self evident in our research findings:
> Speaking of Cultural Safety, cool thing is, I'm home, I feel safe, I'm living on the land my ancestors were living on 60,000 years ago. I'm actually living there now you know, and you know, it does my heart good, it makes me feel good.
>
> Koorie male

Amongst our interviewees, we found many heroes and resistance fighters, who in turn, told us stories of many other heroes and resistance fighters. It was also apparent from our research that there have been devastating losses amongst Aboriginal communities across Victoria over the past two hundred years. In great testament to the strength of many Aboriginal Victorians, they have moved, are moving, or wish to move away from, the imposed perception that Aboriginal peoples are merely helpless victims of broader society. Aboriginal peoples are moving beyond being considered as merely noble savages and survivors.

The incredible ability of Aboriginal peoples to contribute to society, has been largely ignored, rejected or regarded as nonexistent by broader society. The fact that this contribution by Aboriginal peoples still exists and is becoming more visible to broader Australia demonstrates that the battle for cultural safety is still being waged by many Aboriginal Victorians. It is clearly forever business and will not go away. By their actions, Aboriginal Victorians have and are making a clear statement: We are here, our culture lives, that which was taken is being reclaimed and we are not victims, nor merely survivors, we are achievers and contributors. Peoples who have lived for millennia due to the strength and authority of their complex cultures and ways of being do not vanish after two centuries of colonisation, hence the title: This is forever business.

In understanding and considering the situation of Aboriginal communities today, there are two key historically-conditioned and opposed social forces – that of the cultural resilience and resistance of Aboriginal communities and that of the on-going processes of colonisation. In many respects, the social engineering of the colonisers of the past still resonates in aspects of government policy formation and implementation, if not directly, then at least at a 'subconscious' level as a result of cross-cultural blindness. This creates both policy confusion at the government/departmental level and socio-economic disempowerment at the community level.

Cultural resilience and resistance also resonates in our current situation. It can be seen in some of the excellent work of Aboriginal Community Controlled Organisations and pockets of cultural and creative renaissance in Aboriginal communities. However, until the right of self-determination is recognised by governments and actualised in Aboriginal communities, cultural resilience and resistance will remain marginal and under-utilised. This is to the detriment of all Victorians.

To understand the relationship of the contrary forces of cultural resilience and resistance and the colonially embedded forces of disempowerment, we use four countervailing conceptual 'keys' to unlock and frame our understanding of cultural safety. Building on the observations of the late anthropologist and author W.E. Stanner,[5] our keys look at the interplay between the positive and negative contextual forces of:

- *Re-membering* – seeing the past as a means for Aboriginal peoples to re-join and become members of both their own particular Aboriginal communities and broader society. This is through their remembered narratives, ensuring those formerly silenced narratives are also re-membered. Re-membering in this way is closely related to spirituality and belonging, counteracting what Stanner identified as a sense of homelessness;
- *Empowering voice* – helping Aboriginal peoples access

'wealth and power' and therefore empowerment in relation to broader society. Having an effective, self-determining voice can counteract what Stanner identified as a sense of powerlessness;

- *Re-sourcing* – creating a map to find locations, situations and relationships where Aboriginal peoples feel culturally secure in their communities, through the resources of land and culture. In this way communities can build on their cultural strengths to counteract what Stanner identified as a sense of poverty; and

- *Re-creation* of cultural products through various forms of creative activity such as music, film, theatre, craft and art. Reclamation of language, cultural structures, symbols and images and fusing that with contemporary culture to create new forms of cultural expression can enable Aboriginal peoples to navigate the dominant culture and maintain their own, counteracting what Stanner identified as a sense of confusion and we have further defined as disorientation.

According to the results of the state-wide qualitative and quantitative interviews undertaken by both our research team and our analysis of the data provided in the *State of Victoria's Children 2009: Aboriginal Children and Young People in Victoria*[6] report, it is clear that the impact of colonisation continues to disconnect and disempower Aboriginal communities. Aboriginal children and young people continue to suffer from lower outcomes in indicators such as the Australian Early Development Index ('AEDI')[7] (which measures developmental vulnerability in the domains of physical health and wellbeing, social competence, emotional maturity, language and cognitive skills, school-based and communication skills and general knowledge) and the various measures used by the Productivity Commission's Overcoming Indigenous Disadvantage Indicators.[8]

Despite these echoes, there is a depth of cultural resilience which drives Aboriginal communities. While much of their traditional culture has been diminished, Aboriginal community leaders and members constantly find new ways of cultural expression and cultural respect. However, the dissonance caused by historical and contemporary Australian society and government policies has created and further encouraged lateral violence within these communities. There is an urgent need to encourage new, culturally attuned means of strengthening Aboriginal communities so that they can mitigate against the effects of lateral violence and the toxic colonial environment. There is overwhelming support within Victoria's Aboriginal communities for a new process of engagement

within and outside their communities to re-member, empower, re-source and re-create places and processes that encourage cultural safety.

Our service sector needs to embed a cultural safety framework to recognise the social forces of cultural resilience and resistance of Aboriginal communities and that of the on-going processes of colonisation. This would benefit Aboriginal communities and have a positive impact on the lives of Aboriginal children, young people and families.

Our recent report developed such a cultural safety framework. The framework establishes that engagement between all cultures and peoples should be grounded in mutual respect, equity and honour. This has two key complimentary processes. Firstly, a process which promotes cross-cultural competence in the service sector by following principles of Self-determination and Respectful Partnerships, Cultural Respect; Cultural Responsiveness; and Cultural Safety. 9 Secondly, enabling Aboriginal communities to restore their own processes and programs which promote cultural safety through; Re-membering, Empowering Voice, Re-sourcing, and Re-creation.

Finally, the framework moves toward wider government and specific human services policies which enable a positive treatment of the issues experienced by disadvantaged, disempowered and vulnerable Aboriginal people. We suggest that the treatment of this problem takes three forms:

- Renegotiating the social contract and establishing appropriate ways in which Aboriginal and non-Indigenous peoples treat each other, in terms of a proper foundational relationship between Aboriginal and non-Indigenous peoples and the promotion of cultural respect;

- Healing and tackling the impact of trans-generational trauma and trans-generational racism; and

- Creating a new shared narrative between Aboriginal and non-Indigenous peoples as a means of ensuring mutual respect and self-understanding. This dialogue should respects and engages with Aboriginal peoples as stakeholders and not as problems to be solved.

In many respects we see the promotion of cultural safety as fundamental for policies of social inclusion to work for Aboriginal peoples. The Federal Government's policy on social inclusion in A Stronger, Fairer Australia: National statement on social inclusion10 identifies a number of domains, including working, learning, engaging, and

having voice, which require attention. Our view is that all of these domains need to be understood from the lens of culture if access and engagement is to be truly inclusive for Aboriginal Peoples. If Victoria is to truly 'close the gap' in health, wellbeing, educational and socio-economic outcomes for Aboriginal and non-Indigenous communities, it needs to create a cultural landscape which is respectful, equitable, honourable and therefore culturally safe. Co-creating such a landscape is a matter of urgency if future generations of Aboriginal peoples are to thrive and contribute to general society.

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1   *Children, Youth and Families Act 2005* (Vic).

2   Department of Human Services (Vic) 'The Best Interests framework for vulnerable children and youth' (Best Interests Series, 2007).

3   Victorian Aboriginal Child Care Agency. Policy and Procedures Manual. (Melbourne: 2010).

4   Robyn Williams 'Cultural safety - what does it mean for our work practice?' (1999) 23(2) *Australia and New Zealand Journal of Public Health*, 212.

5   W.E.H Stanner, *The Dreaming and Other Essays* (Black Inc., 2009) 206-211.

6   Balert Boorron, 'The State of Victoria's Children 2009: Aboriginal children and Young People in Victoria', (Report, Department of Education and Early Childhood Development (Vic) 2010).

7   Australian Early Intervention Development Index, *FAQ: About the AEDI*, (1 April 2011) <http://www.rch.org.au/aedi/faq.cfm?doc_id=13327>.

8   Steering Committee for the Review of Government Service Provision, 'Overcoming Indigenous Disadvantage: Key Indicators (2009) Productivity Commission. <http://www.pc.gov.au/__data/assets/pdf_file/0003/90129/key-indicators-2009.pdf>.

9   Victorian Aboriginal Child Care Agency, 'Aboriginal Cultural Competence Framework', (Report, Department of Human Services (VIC), 2008) <http://www.cyf.vic.gov.au/__data/assets/pdf_file/0008/312668/framework_cultural_support_2008.pdf>.

10   Social Inclusion Unit, 'A Stronger, Fairer Australia: National Statement on Social Inclusion' Report, Department of the Prime Minister and Cabinet (2009) <http://www.socialinclusion.gov.au/Resources/Documents/ReportAStrongerFairerAustralia.pdf>.

THE ORANG ASLI AND THE UNDRIP: FROM RHETORIC TO RECOGNITION

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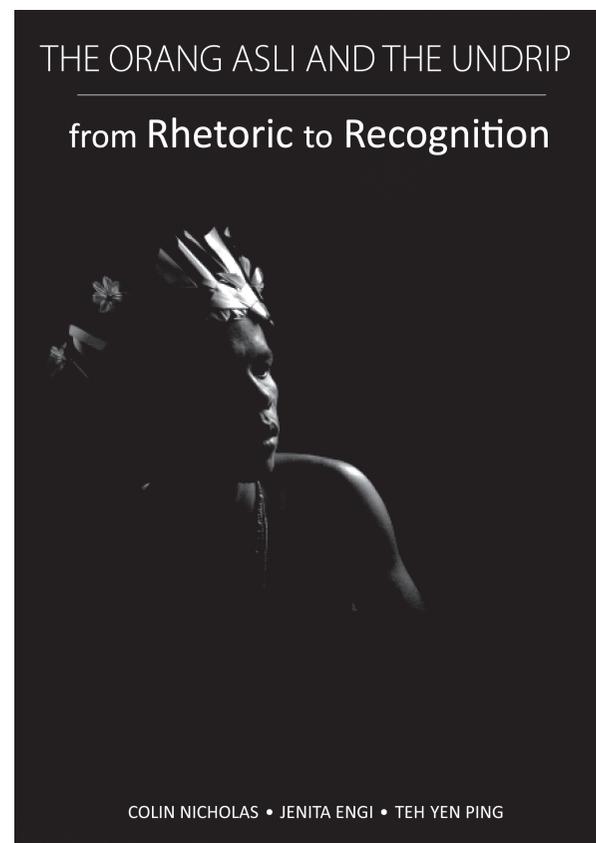
INTRODUCTION

Malaysia has undoubtedly seen some progress in terms of Indigenous rights both internationally and domestically. Internationally, Malaysia unreservedly voted for the 2007 *United Nations Declaration on the Rights of Indigenous Peoples* ('UNDRIP') both at the Human Rights Council and General Assembly levels. Domestically, Malaysian courts have applied the doctrine of common law native title to Indigenous customary land rights claims, drawing inspiration from international jurisprudence including the landmark Australian High Court decision of *Mabo v Queensland (No 2)*.[1] Despite these developments, Orang Asli, the Indigenous minority peoples of Peninsular Malaysia, continue to face formidable challenges