

Australian Education Union

Policy on TAFE
for

Aboriginal and Torres Strait Islander
Peoples

As adopted at the 2004 Annual Federal Conference

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*“If you’ve come here to help me, then you’re wasting your time.
If you’ve come here because your liberation is bound up with mine,
then let us work together.”*

Lilla Watson, Aboriginal Activist

Source: Baxter Easter weekend Protest Poster April 18-20, 2003

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1. Preamble

Aboriginal and Torres Strait Islander peoples are the First Nations peoples of Australia, and as such, have a distinct and inalienable set of rights. The right to education, including Technical and Further Education, is one of these.

Aboriginal and Torres Strait Islander cultures are living cultures. Despite hundreds of years of systemic oppression, colonisation, and racism, Aboriginal and Torres Strait Islander peoples continue to maintain a connection to their lands and surrounding waters.

The AEU recognises that as a consequence of the process of colonisation, Aboriginal and Torres Strait Islander peoples have come from a range of diverse circumstances, and have a range of knowledges and experiences in relation to their cultural backgrounds.

Further, the AEU acknowledges that the education system has played a crucial role in the oppression of Aboriginal and Torres Strait Islander peoples, through the denial of opportunities, the reinforcement of racial stereotypes, the lowering of expectations and quality, the exclusion of participation, and the reinforcement of cultural and political values which are ultimately alien to the original inhabitants of this land.

The AEU is committed to rectifying this situation, through the implementation of this National TAFE Policy for Aboriginal and Torres Strait Islander Peoples.

2. Principles

The AEU:

- 2.1 Believes that Aboriginal and Torres Strait Islander peoples have the right to access Aboriginal and Torres Strait Islander skills and knowledges along side of western skills and knowledges and should be able to do so within the formal structures of the Vocational Education and Training system;
- 2.2 Is committed to the principles of self-determination and self-management for Aboriginal and Torres Strait Islander peoples, and therefore believes that Aboriginal and Torres Strait Islander peoples have the right to appropriate and effective employment, representation and participation within all structures of the Technical and Further Education (TAFE) system;
- 2.3 Commits to recognising and catering for the unique diversity of Aboriginal and Torres Strait Islander peoples, communities and cultures in TAFE workplaces;
- 2.4 Is committed to participation, where appropriate, in the development and implementation of partnerships and the making of agreements both formal and informal between Aboriginal and Torres Strait Islander peoples and

communities and TAFE institutes, unions, other industry bodies and governments;

- 2.5 Is committed to the development and delivery of TAFE programs that affirms the cultures of Indigenous Australians and delivers quality outcomes;
- 2.6 Recognises that ownership and control of Aboriginal and Torres Strait Island knowledges and cultures ultimately rests with the Aboriginal and Torres Strait Islander communities concerned and cannot become the “property” of TAFE or ANTA.
- 2.7 Is committed to ensuring that all Aboriginal and Torres Strait Islander peoples have the right to high quality education throughout their lives. Quality is characterised by appropriate student teacher ratios and group sizes, appropriately qualified and trained teachers and education workers, and enriching, well equipped, well-resourced and secure environments.
- 2.8 Recognises and supports the unique role that many TAFE teachers, trainers and support staff play in working with Aboriginal and Torres Strait Islander individuals and communities to develop skills, build self-esteem and foster community-industry relationships, contributing to a range of outcomes, including employment and community development outcomes;
- 2.9 Supports the vision Partners in a Learning Culture, Australia’s National Indigenous VET strategy which calls for:

A vocational education and training system which renews and shares an Indigenous learning culture with all Australians in a spirit of reconciliation, equity, justice and community economic development and sustainability.¹

3. Aboriginal and Torres Strait Islander involvement in decision-making

3.1 The AEU commits to:

- (a) the principle that Aboriginal and Torres Strait Islander peoples have an inalienable right to self-determination in maintaining their cultural identities and autonomy;
- (b) the recognition that the TAFE system has a crucial role to play in the maintenance of cultural identity.

3.2 The AEU therefore upholds the right of Aboriginal and Torres Strait Islander individuals and communities to access a TAFE system that both builds and enables self-determining structures.

3.3 The AEU and its Branches and Associated Bodies will:

¹ ATSIPTAC (1999) *Partners in a Learning Culture*, Australian National Training Authority, Brisbane.

- (a) work with TAFE Institute and State/Territory VET advisory groups and other key stakeholders in supporting Aboriginal and Torres Strait Islander communities in their efforts to attain delivery of TAFE programs that individuals and communities deem appropriate;
- (b) lobby Governments and other stakeholders for the provision of adequate funding to support (and establish, where required) Aboriginal and Torres Strait Islander self-determining structures, such as support units and colleges within and in partnership with TAFE Institutes;
- (c) lobby for effective Aboriginal and Torres Strait Islander representation at all levels of decision-making within TAFE Institutes, including on Institute Councils and within ANTA structures including the Australian Indigenous Training Advisory Council; and
- (d) support the principles of self-determination and negotiation, as appropriate, with employing authorities and Aboriginal and Torres Strait Islander communities and peak bodies to address employment considerations as they emerge, and to safeguard the rights of teachers, trainers and students.

4. Aboriginal and Torres Strait Islander employment

4.1 The AEU commits to:

- (a) increasing the number of Aboriginal and Torres Strait Islander peoples employed in all areas of the TAFE system, in particular teachers and trainers; and
- (b) ensuring that States and Territories make a commitment to ongoing resourcing and permanency of Aboriginal and Torres Strait Islander TAFE teachers, trainers and support staff that is not dependent on supplementary educational funding provided by the Commonwealth, such as the Indigenous Education Strategic Initiatives Program (IESIP) or on other community-based Commonwealth fund sources, such as the Community Development Employment Projects (CDEP) program.

4.2 The AEU and its Branches and Associated Bodies will:

- (a) actively support strategies to increase the numbers of Aboriginal and Torres Strait Islander peoples employed in TAFE, particularly as teachers and trainers, including the development of an Aboriginal and Torres Strait Islander employment strategy which includes the establishment of employment targets and the development and implementation of beginning teacher training programs as well as professional development, mentoring and leadership programs;
- (b) ensure that processes of conversion of staff from temporary to tenure takes in to account strategies to increase permanent employment of Aboriginal and Torres Strait Islander peoples;

- (c) incorporate elements of Aboriginal and Torres Strait Islander Employment Claims paper in (see attachment A) to bargaining claim frameworks and negotiations; and
- (d) lobby Institute Directors to establish Aboriginal and Torres Strait Islander employment targets as a component of a broader Aboriginal and Torres Strait Islander employment strategy which includes the development and implementation of leadership programs.

5. Training Packages, Curriculum and Training Support Materials

5.1 The AEU:

- (a) supports the right of Aboriginal and Torres Strait Islander peoples to study Indigenous-specific courses, mainstream courses and/or a combination of both;
- (b) supports the right of Aboriginal and Torres Strait Islander peoples to study Aboriginal and Torres Strait Islander knowledges within an accredited national training framework;
- (c) recognises that the mainstream industry-specific nature of training packages has lead to the exclusion of Indigenous knowledges and ways of working in many training packages; and
- (d) supports the right of Aboriginal and Torres Strait Islander peoples to access high-quality training support materials and processes including assessment materials and Recognition of Prior Learning (RPL) and Recognition of Cultural Competence (RCC) which take into account Aboriginal and Torres Strait Islander cultures and ways of working.

5.2 The AEU and its Branches and Associated Bodies will:

- (a) lobby other Unions, Industry Skills Councils, ANTA and other key VET stakeholders for the inclusion of Aboriginal and Torres Strait Islander knowledges within training packages;
- (b) lobby Governments to support the continuation of specific funding for the development of training programs and products which meet the requirements of Aboriginal and Torres Strait Islander individuals and communities;
- (c) advocate for the inclusion of Aboriginal and Torres Strait Islander training needs in state and territory training plan development processes; and
- (d) lobby governments for core funding to deliver English literacy and numeracy programs for Aboriginal and Torres Strait Islander peoples.

6. Funding

6.1 The AEU:

- (a) recognises that the TAFE system across Australia relies overwhelmingly on Commonwealth funding to develop and deliver Aboriginal and Torres Strait Islander programs;
- (b) believes that there is substantial evidence to prove that this over-reliance on Commonwealth funding has massive implications for employment security and continuity of programs for Aboriginal and Torres Strait Islander peoples; and
- (c) supports a greater allocation of state and territory resources to Aboriginal and Torres Strait Islander programs in TAFE.

6.2 The AEU and its Branches and Associated Bodies will:

- (a) campaign for increased profile funding for the delivery of programs for Aboriginal and Torres Strait Islander peoples;
- (b) campaign for adequate and appropriate levels of state and territory funding in relation to the employment of Aboriginal and Torres Strait Islander peoples;
- (c) lobby Governments to ensure that fees and charges for Aboriginal and Torres Strait Islander students are either excluded altogether, or kept to a bare minimum and that strategies for fee relief are implemented; and
- (d) build specific funding allocations for Aboriginal and Torres Strait Islander peoples in to the AEU's Alternative ANTA Agreement.

7. Professional Development and Training

7.1 The AEU:

- (a) believes that Aboriginal and Torres Strait Islander staff in TAFE Institutes have the right to access appropriate and effective professional development and training in order to improve their career development opportunities; and
- (b) believes that all staff working in TAFE should undertake a program of cross-cultural awareness and Indigenous studies in order to enable them to effectively work with Aboriginal and Torres Strait Islander peoples.

7.2 The AEU and its Branches and Associated Bodies will:

- (a) advocate for the effective provision of professional development for Aboriginal and Torres Strait Islander staff; and

- (b) advocate for the effective provision of cross-cultural awareness and Indigenous studies for non-Indigenous staff.

8. Aboriginal and Torres Strait Islander Unionism

8.1 The AEU commits to:

- (a) maintaining the AEU Aboriginal and Torres Strait Islander TAFE committee and the Aboriginal and Torres Strait Islander Education Committee;
- (b) maintaining the position of the Federal Aboriginal Education Officer;
- (c) establishing effective Aboriginal and Torres Strait Islander representation at all levels of decision-making within the Union; and
- (d) working with the broader union movement to promote, enhance and increase further Aboriginal and Torres Strait Islander participation at all levels.

8.2 The AEU and its Branches and Associated Bodies will:

- (a) promote the benefits of Trade Unionism and Trade Union activism amongst Aboriginal and Torres Strait Islander members;
- (b) conduct formal consultations with Unions and peak Aboriginal and Torres Strait Islander and Government agencies;
- (c) support AEU Aboriginal and Torres Strait Islander delegations to appropriate forums;
- (d) commit to further the employment and participation of Aboriginal and Torres Strait Islander peoples within the AEU;
- (e) ensure participation in appropriate national and international delegations;
- (f) investigate the possibility of rule changes to facilitate formal participation of Aboriginal and Torres Strait Islander participation in AEU National TAFE Division structures; and
- (g) participate in the ACTU Indigenous committee meetings.

9. Measurement of outcomes

9.1 The AEU:

- (a) believes that the attainment of outcomes is crucial to building the capacity of Aboriginal and Torres Strait Islander individuals and communities; and
- (b) supports the right of Aboriginal and Torres Strait Islander peoples to determine outcome measurements that are appropriate and suitable.

9.2 The AEU and its Branches and Associated Bodies will:

- (a) *lobby governments and other bodies to ensure that outcomes are broadly defined to incorporate community development indicators along with employment and completion indicators.*

10. Traineeships and Apprenticeships

10.1 The AEU:

- (a) believes that apprenticeships and traineeships are an effective way for Aboriginal and Torres Strait Islander peoples to attain employment experience and outcomes; and
- (b) is aware that in some instances, with some employers, there is a ‘subsidy syndrome’ in place when it comes to employing Aboriginal and Torres Strait Islander peoples.

10.2 The AEU and its Branches and Associated Bodies will:

- (a) continue to investigate employer exploitation as it relates to the use of training funds for the ongoing employment of Aboriginal and Torres Strait Islander peoples;
- (b) lobby governments to ensure that there are adequate and effective mechanisms in place, in the tender, audit and evaluation process to minimise the exploitation of Aboriginal and Torres Strait Islander apprentices and trainees.

11. Information technology

11.1 The AEU:

- (a) Believes that Aboriginal and Torres Strait Islander peoples have the right to access adequate and appropriate information technology infrastructure whilst studying or employed in a TAFE Institute; and

- (b) Believes that delivery conducted using information technology should incorporate Aboriginal and Torres Strait Islander knowledges and ways of working.

11.2 The AEU and its Branches and Associated Bodies will:

- (a) Lobby governments to ensure that information technology infrastructure is accessible and accessed by Aboriginal and Torres Strait Islander staff and students; and
- (b) Lobby Governments to ensure that Aboriginal and Torres Strait Islander knowledges and ways of working are incorporated in to IT delivery materials.

AEU *DRAFT* INDIGENOUS EMPLOYMENT CLAIMS

There are significant issues affecting the working lives of Aboriginal and Torres Strait Islander members which have not been adequately addressed by the Union and employers to date.

These include:

- job security
- proper valuing of (and paying for) Aboriginal and Torres Strait Islander knowledge, skill, expertise.
- negotiating the role of Aboriginal and Torres Strait Islander communities in relation to both pedagogical and employment issues
- recruitment and retention of Aboriginal and Torres Strait Islander workers (especially tertiary trained).
- Employment levels and spread of employment across classifications and organisational units.

This discussion paper raises some possible approaches for addressing these concerns through industrial claims. Consultation with members is required to determine which if any of these claims is appropriate to any particular state or territory, and which claims should be given highest priority. Hopefully, additional claims will arise from the consultation process.

It may be that some issues can be addressed in other contexts than industrial bargaining, or in two or more contexts at once. The principal focus of this discussion paper, however, is to identify those matters which can and should be included in the Union's log of claims for enterprise bargaining. It therefore focuses on structural issues of employment rights and strategies, rather than on other, equally important questions relating to changing workplace culture and challenging racism, which the Union also needs to maintain as high priority areas of work.

In industrial bargaining, the traditional approach by unions, including the AEU and its Branches and Associated Bodies has been to focus on:

- **family and community obligations** - eg. Ceremonial leave
- **Aboriginal representative structures** - eg leave to attend ATSIC meetings/ NAIDOC day/week leave.

Some gains have been made in these areas (although they are not uniformly available, and even where they have been gained on paper, there are often practical difficulties with members making use of their entitlements), but the Union can hardly rest on these small achievements. There is a lot more that can be done.

JOB SECURITY

1. break the link between funding arrangements and job security - recognise that the *students* are not a short-term phenomenon, even if the *funding* is. The jobs may change from time to time, but the *roles* will be needed on an ongoing basis
 - percentage targets for conversion to permanent employment.
 - build terms for redeployment or redundancy into employment conditions.
2. affirmative action measures to ensure new graduates are given job security on first appointment.
 - articulate affirmative action appointments to a process for identifying appropriate locations which provide a quality mentoring environment.

VALUING ABORIGINAL AND TORRES STRAIT ISLANDER KNOWLEDGE

3. Recognise that understanding of Indigenous cultures brings value to the whole school community, and enhances the work of other staff and the educational experience of students. Such value should be reflected in a skill-based wage structure despite the absence/shortcomings of existing ways to credential it.
 - Salary loadings/allowances for language proficiency (could be a scale from basic conversational skills to advanced proficiency).
 - Salary loadings/allowances for cultural knowledge/expertise.
 - Identify knowledge of and expertise in Aboriginal or Torres Strait Islander culture and language as a desirable or essential skill in position descriptions/duty statements.
 - vary underlying award to incorporate these skills, and adjust rates accordingly, especially for AIEWs, AEWs, etc.

ISSUES

- need to think about how an entitlement to loadings, etc, would be determined - eg. who would assess claimed language proficiency?
- should *any* Aboriginal or Torres Strait Islander language/cultural expertise be recognised, or only that of the “local” Indigenous community.
- Should loadings, etc, be available to non-Indigenous staff who can demonstrate their knowledge?
- Need to develop examples/models of how relevant skills can be described in position descriptions, skill descriptors, etc.

THE ROLE OF INDIGENOUS COMMUNITIES

4. There have been developments in some places to extend greater control to communities. The industrial and professional implications of these can be controversial. They include:
 - sex segregated senior classes where this is appropriate to community requirements for young adults;

- community involvement in selection of staff;
- protocols to properly investigate and resolve community grievances (example SA Branch have negotiated such a protocol).

RECRUITMENT AND RETENTION OF ABORIGINAL AND TORRES STRAIT ISLANDER STAFF

5. Tertiary qualified Indigenous people are sought after by both public and private sector employers. In many cases, superior wages and conditions are available to people straight from Uni than they could earn as beginning teachers. Specific strategies are needed to encourage them to enter and stay in the education workforce.
 - serious mentoring and support programs for new graduates.
 - re-entry programs leading to mid-career salaries for people with experience outside education.
 - HECS deferrals which become waivers if people stay 3 years.

6. Current “flexibilities such as ceremonial leave are not flexible enough to create a work environment which encourages Indigenous workers to stay - particularly in AIEW employment - and generally provide inadequate resources to the school/college to cope, meaning people are sometimes discouraged from taking even the leave they are entitled to.
 - Ensure that entitlement to paid ceremonial leave is spread to all sectors and classifications;
 - establish a pool of “relief” AIEWs (with adequate travel and accom. provisions) who have a regular base, but are paid a premium to be available to backfill other leave vacancies;
 - massively relax ‘break in service’ penalties (eg super, long service leave, pml, etc) for people who take long ceremonial/cultural leave breaks (to encourage them to return!);
 - active promotion of existing rights (such as ceremonial leave, professional development, etc), including to remind principals and administrators of the importance of promoting existing rights to their staff.

EMPLOYMENT LEVELS AND SPREAD OF EMPLOYMENT ACROSS

CLASSIFICATIONS AND ORGANISATIONAL UNITS

7. Indigenous employment strategies have focussed on teaching and AIEW roles, rather than on the full spectrum of school and department employment. Numbers of Aboriginal or Torres Strait Islander employees in all classifications in the education system are still too low.
 - develop employment targets for each organisational unit, and for each classification level. Identify strategies for achieving those targets. Set timelines. Have Union role in implementation and monitoring. (note example of NSWTF Staffing Agreement)
 - Include Indigenous knowledge skills in position descriptors, to increase likelihood of Indigenous applicants being successful.
 - Ensure Indigenous people are part of selection panels for targeted positions.
 - Review selection processes to ensure they are culturally appropriate to Aboriginal and Torres Strait Islander applicants.
 - Introduce proactive mechanisms to encourage applications from Aboriginal and Torres Strait Islander people, including:

- Well resourced mentoring programs;
- Job shadowing;
- Opportunities to work in promotion positions on temporary basis, with appropriate support structures to build confidence and success;
- Training for application and interview skills.

OTHER WORKERS

8. Bring *all* education workers to a minimum standard of understanding about Indigenous issues, cultural awareness, Aboriginal and Torres Strait Islander education. This must include allied staff classifications.
- allocate targeted professional development funds;
 - develop programs for non-teaching staff;
 - implement agreed standards for compulsory pre-service training in Aboriginal and Torres Strait Islander education and cultural awareness for new employees;
 - Incorporate in bridging/induction program for o/s-recruited teachers;
 - Introduce “demonstrated knowledge and understanding of Aboriginal and Torres Strait Islander cultures” as a selection criteria for **all** positions, including promotions. Completion of union-approved cross cultural awareness training might be one way to satisfy this criteria.

GENERAL REMARKS

9. We also need to look at existing provisions to see if they need extending. Eg:
- Do all members have access to paid cultural/ceremonial leave?
 - Do all members have access to Aboriginal and Torres Strait Islander meeting leave?
 - Do all members have access to paid leave for attending NAIDOC activities?
 - Does leave for national sporting competitions extend to national Indigenous sporting competitions?
 - Does definition of “immediate family” for carers leave adequately allow for Indigenous caring responsibilities?
 - Does leave to stand for election extend to ATSIC elections?
 - Is action needed to remind principals and administrators to actively support members in making use of their existing entitlements?

As this discussion paper relates to all areas of the AEU’s coverage, across sectors and classifications, in some states and territories, some of these claims will need support of CPSU/SPSF, LHMU, NTEU and other unions in relation to some classification areas.

All of the above ideas need to be considered by Aboriginal and Torres Strait Islander members through appropriate structures of the Union. The national Aboriginal and Torres Strait Islander Education Committees considered this discussion paper at their meeting in Brisbane on 12th September 2002, and since that time it has been more widely circulated within the Union for consultation and feedback.

Branches and Associated Bodies will need to deliberately give Indigenous Employment Claims high priority if they are to be genuinely addressed in the context of the competing interests and priorities of a crowded bargaining agenda.

Discussion paper prepared by Linda Gale, AEU Federal Industrial Officer, based on the outcomes of the Indigenous Employment Claims workshop at the Union's National Bargaining Conference in June 2002 and discussions at the AEU Aboriginal and Torres Strait Islander Education Committees (TAFE and General Division) meeting in September 2002.