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Engaging the core constituency – outreach to Indigenous communities

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I would like to acknowledge the traditional owners of the land on which we meet, the Wurundjeri people of the Kulin Nation and pay my respects to their elders both past and present. I also acknowledge other Indigenous people from various parts of Australia here with us today.

Before talking about some of the initiatives in the Indigenous area that we are undertaking at the moment it is worth reflecting on the past.

The office of the Commonwealth Ombudsman next year will be turning 40 years and for the vast majority of that period the office did little to proactively encourage complaints from Aboriginal and Torres Straits Islander people. I'm sure we were not alone amongst the Ombudsman community.

It wasn't until mid 2007 when the Commonwealth government staged the Northern Territory Emergency Response (or the NT Intervention) that we as an office paid attention.

As part of the NT intervention our office received funding for 5 years to oversight the delivery of commonwealth government Indigenous programs in the NT and deal with complaints from communities. With that funding we set up an Indigenous Unit of about 8 or 9 staff to undertake this oversight work.

Although we don't claim to have all the answers and we no longer receive funding for Indigenous work, we did learn a lot from that experience.

In the early days of setting up the Indigenous Unit we learnt how not to deal with oversight in this area.

When we set up the Indigenous Unit there was a view from some in our office that we needed to visit each of the 65 or so remote Aboriginal communities that were impacted by the NT intervention,

- even if it meant a fly in fly out visit to a remote community for only a few hours and
- even if it meant that we did not properly address or investigate the complaints we collected during those trips in part because it was hard to get back in contact with people in those communities when we got to our offices in Canberra or Darwin.

We were effectively yet another government agency going into the communities, promising the world and not delivering.

Thankfully that approach was short lived and we soon took a more strategic and effective approach to our oversight responsibilities in this area.

In reflecting on some of the things we achieved during this period, it really reinforces the value and potential of ombudsman oversight and the importance of taking an integrated and collaborative approach to our work, going beyond just dealing with complaints from individuals.

This integrated approach involved a range of activities.

- Because much of the Commonwealth Intervention involved joint decision making with the NT government (housing for example being a key area of joint administration), we worked closely with the NT Ombudsman to provide a no wrong door service to complaints and to take a cooperative approach to pursuing systemic issues and engaging with government agencies and community organisations to understand and address those systemic issues. This cooperative approach was also formalised by an MOU between the Commonwealth and NT ombudsman.
- When we went to communities we weren't solely seeking to collect complaints, we also observed how agencies were delivering programs, making decisions and communicating with people. We also targeted organisations, such as welfare rights, legal aid and financial counsellors who were regular visitors to the communities and we received complaints and general information about what was happening on the ground
- Through complaints and this general monitoring we identified a range of systemic issues which we pursued with agencies, including through a number of own motion investigations, and public reports – some of them were joint reports with the NT Ombudsman
- As a member of a range of Commonwealth government governance bodies which were monitoring and reporting on the outcomes of the NT intervention, we were able to provide regular formal and informal feedback to senior officials.

Our experience in the NT gave us an insight into the vulnerabilities of Indigenous Australians, as well as a better understanding of some of the barriers and challenges they face in challenging government action through complaints and feedback.

We found that there were a variety of reasons why Indigenous people do not complain:

- There is a historical mistrust of government
- A belief that nothing will change –why bother complaining
- For remote communities - Language barriers and an inability to access an interpreter
- Lack of knowledge about government programs and systems
- Not knowing how to complain or who to complain to
- Fear of reprisals or victimisation if you complain
- People felt shame, embarrassment, lack of confidence in how to go about complaining. Complaint has a negative connotation
- In remote areas a lack of access to services like computers and telephones which are the conventional ways we expect people to access a complaints system.

This insight was reinforced by research we commissioned a few years ago into how we can make a complaints system more accessible to Indigenous people.

An independent Indigenous research company, *Winangali* undertook the study and consulted people from urban, regional and remote areas.

They found a number of things would make the complaint process easier for Indigenous people:

- Having someone they know and trust to go to or call, preferably an Indigenous person who understands their issues
- Being able to talk face to face, not via email, phone or the Internet

- Having written correspondence as a record of their complaint
- Being able to complain in a location they feel safe and confident
- Having confidence in the impartiality of the person they are complaining to
- Having confidence that making a complaint will make a difference

Now, we know that in the current climate of decreasing resources, it is not be feasible for Ombudsman offices and agencies we oversight to have a face to face contact point in every community. However, we need to think creatively about how to make a complaints system more accessible and meaningful for Indigenous people and ensure that not only individual issues are resolved but that complaints and feedback lead to systemic improvements.

Over the past year or so our focus has been on taking a leadership and coordination role in shining the light on this issue.

Through greater awareness and collaboration, we think there is an opportunity to significantly improve accessibility to complaints systems for Indigenous people and for such systems to be more effective.

Following a number of forums we organised with Indigenous leaders, community organisations, government agencies and oversight bodies (including public and private Ombudsman offices) on this issue we have initiated 4 key projects.

We have set up a GovDex information sharing portal for government agencies, community groups and other ombudsman offices. The purpose of the portal is to facilitate the sharing of ideas, information, resources and to also support other working groups we have established.

We have established a right to complain Working Group which will be working on developing an information strategy targeted towards improving awareness of complaints systems. As a starting point, and to direct this strategy, the working group has commenced collecting existing research, information and promotional material.

To reinforce the need for government agencies we oversight to be more proactive and creative in encouraging complaints and seeking feedback from Indigenous people we have set up a Commonwealth Government Indigenous Complaints Handling Community of practice which will meet regularly to share ideas and resources. We want to hold the agencies we oversight to account – they need to do much more to engage with Indigenous communities.

We think there is much greater scope to work collaboratively as an Ombudsman community and have also recently set up an ANZOA Special Interest Group on Indigenous complaints handling. The group aims to share and develop resources and strategies, including supporting a more coordinated approach to Indigenous outreach and engagement with member organisations in relation to common issues. If you haven't already, I would encourage organisations to be involved in this special interest group.

The challenge for us as an Ombudsman community is how can we be more effective in reaching out to Indigenous communities. Doing so in a meaningful and respectful way. Undertaking the odd outreach trip to an Indigenous community and having a stall at a NAIDOC week event is not enough. We know that a one size fits all approach does not work, what is appropriate for those in urban areas may be quite different to the needs of remote communities. We need to also be better at evaluating the impact of work in this area.

To make a difference we need greater collaboration and partnerships. We need to be proactive in making our services accessible to Indigenous people. But we shouldn't stop there. We also have the opportunity to take a leadership role amongst the entities we oversight to ensure that they too take Indigenous engagement, complaints and feedback seriously.

Thank you for the opportunity to present today.