

PROBLEMATISATION OF NEW SOUTH WALES GOVERNMENT ABORIGINAL EMPLOYMENT POLICY

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Table of Contents

Table of Contents	2
Abstract	4
Table of Tables	5
Abbreviations	6
Statement of Originality.....	7
Chapter 1: Introduction	8
Background.....	8
Methodological approach.....	10
Being Aboriginal and Torres Strait Islander as a ‘genuine occupational qualification’	10
Aboriginal Identified roles in NSW public sector agencies.....	18
Chapter 2: Literature Review	23
Aboriginal and Torres Strait Islander People in the labour market pre-1970	23
Aboriginal and Torres Strait Islander People in the labour market post-1970.....	25
NSW public sector Aboriginal employment policies.....	35
Identifying the gaps in the literature	36
Chapter 3: Methodological Approach.....	37
Research questions.....	37
Scope of the paper.....	38
Bacchi’s ‘What’s the problem represented to be (WPR) approach’	38
Selected use of Fairclough’s 3-tier research approach.....	41
Chapter 4: Theoretical Framework	42
Ferguson’s ‘Anti-Politics Machine’ theoretical framework	42
Chapter 5: Problematisations of Public Service Aboriginal employment policy.....	45
Policy #1: Personnel Management Guidelines Aboriginal Employment and Training (Public Service Board of NSW, 1982)	46
Policy #2: Aboriginal Employment and Equity Plan Heads of Agency Agreement (Premiers Department NSW, 1997)	52
	2

Policy #3: NSW Public Sector Aboriginal Employment Strategy 2014-2018 (NSW Public Service Commission, 2015).....	61
Chapter 6: Discussion	68
Overcoming the historical legacy of the exploitation of Aboriginal labour	68
‘Racialisation’ of Commonwealth & NSW Aboriginal employment legislation	69
‘Racial Stereotypes’ of NSW government Aboriginal employment policy.....	70
Identity Politics’ – Who is the real Aboriginal?	71
What validates ‘Aboriginality’ as a genuine occupation qualification?	73
Conclusion	74
Bibliography	77

Abstract

From the early 1980's the NSW state government has taken ownership and responsibility for the creation of Aboriginal employment policies within the public service for Aboriginal and Torres Strait Islander people. Ostensibly, these policies have been a public relations exercise to provide Equal Employment Opportunity for the unemployment of Aboriginal and Torres Strait Islander people in the NSW public sector. The NSW public sector established the moral basis to design, develop, and administer 'racialised' employment initiatives for Aboriginal Torres Strait Islander people. These 'racialised' policies are 'paternalistic' top-down approaches based on the 'moral responsibility' of government to address and fix the perception of the 'Aboriginal problem' perceived as being 'racially inferior' and 'in deficit' to the qualities possessed by non-Aboriginal people. Through the use of the What's the problem represented to be? (WPR) approach (Bacchi, 2009) and selected use of Fairclough's (2002; 2003 cited in Walter, 2006) three tier approach, this research has undertaken a policy analysis of selected NSW government Aboriginal employment documents. The policy analysis has revealed 'problematizations' and 'problem representations' within each of the policies. These 'problematizations' within Aboriginal employment policy has emerged as a continuous pattern of institutional racism embedded in bureaucratic employment policies towards Aboriginal people since the mid-70s.

This paper unmasks the deficit representations of Aboriginal people and the mechanisms of power used by the NSW government to take full responsibility for all Aboriginal employment policies and issues. One of these problem representations has been the 'racialisation of Aboriginality' through which the 'racialised' employment classification was established, that of 'Aboriginality', which reinforces hierarchical power relationships in the bureaucracy between non-Aboriginal and Aboriginal people. This act of exclusion precludes Aboriginal people from occupying positions across the full range of levels and classifications of government. The creation of these policies and construct of the 'Aboriginal' other within the public sector is reinforced through a 'colonial mindset', stereotyping and racial profiling the colonised for the purposes of creating a moral panic through policy, to control and manage Aboriginal and Torres Strait Islander people in the NSW public sector.

Table of Tables

Table 1 NSW Government Departments, Directorates, and Aboriginal Identified Roles	9
Table 2 Key Aboriginal and Torres Strait Islander Employment Policy Documents	15
Table 3 Key Aboriginal and Torres Strait Islander Employment Organisations	16
Table 4 Key Aboriginal and non-Aboriginal Community Organisations across NSW	17
Table 5 Population summaries of existing literature on Aboriginal employment	27
Table 6 Studies examining the effectiveness of Aboriginal labour market programs	30
Table 7 Selected NSW public service Aboriginal employment policies	35

Abbreviations

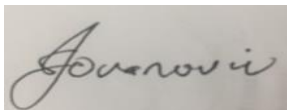
Abbreviation	Explanation
AEEP	Aboriginal Employment Equity Plan
ADHC	Ageing, Disability and Home Care
ADB	Anti-Discrimination Board
APS	Australian Public Service
AIATSIS	Australian Institute of Aboriginal and Torres Strait Islander Studies
CDEP	Community Development Employment Program
DAESO	District Aboriginal Employment Support Officer
DEC	NSW Department of Education and Communities (sic)
DEEWR	Department of Education, Employment and Workplace Relations
DOE	NSW Department of Education
EEO	Equal Employment Opportunity
FACS	NSW Department of Family and Community Services
HNSW	Housing New South Wales
JASW	Job Application Skills Workshop
MIOB	Making It Our Business
NATSISS	National Aboriginal Torres Strait Islander Social Survey
NESA	National Employment Strategy for Aboriginals
NSW	New South Wales
PSB	New South Wales Public Service Board
STEP	Structured Training and Employment Program
TAP	Training for Aboriginal People
UWS	University of Western Sydney (sic)

Statement of Originality

This work has not previously been submitted for a degree or diploma in any university. To the best of my knowledge and belief, the thesis contains no material previously published or written by another person except where due reference is made in the thesis itself.

(Signed)

Date: 27 November 2018

A rectangular box containing a handwritten signature in cursive script, which appears to read "Jovanovic".

Simon George Jovanovic

Chapter 1: Introduction

Background

The title of my Master of Research thesis is “The Problematisation of New South Wales Government Aboriginal Employment Policy”. I chose to undertake research into this policy area as a result of my professional experiences working in several ‘Identified’ Aboriginal and Torres Strait Islander roles (positions) from July 2005 through to February 2018 across a number of New South Wales (NSW) government agencies. These Aboriginal identified¹ roles formed part of several NSW public service departments across the Sydney Central Business District (CBD), Northern and Western Sydney, and the South Western Sydney area. The roles worked within district, regional and central office directorates providing services and program delivery for Aboriginal and Torres Strait Islander people² and communities.

A number of these Aboriginal identified positions also provided state-wide support and worked with geographically dispersed ‘virtual’ teams providing state-wide services and programs to Aboriginal and Torres Strait Islander people and communities in targeted regional and rural areas across NSW. Several of these roles formed part of Aboriginal directorates within each of the related government agencies, while other roles were independent of the Aboriginal directorates. The Aboriginal directorates (within the public service departments) were responsible for leading the policy development of services and programs to Aboriginal and Torres Strait Islander people. The other Aboriginal identified roles I worked in formed part of other key business directorates of the agencies in the areas of human resources, people and safety, executive support, and community engagement.

¹ Aboriginal identified roles within this thesis refer to both Aboriginal persons and Torres Strait Islanders who work in NSW public service agencies that consider being of the Aboriginal and Torres Strait Islander race, a ‘genuine occupational qualification’ (*Anti-Discrimination Act 1977 NSW, s.14d*).

² This thesis refers to the commonly used Australian Government department (proposed by the Commonwealth Department of Aboriginal Affairs in the 1980s) definition of an Aboriginal and Torres Strait Islander person as: a) a person of Aboriginal or Torres Strait Islander descent b) who identifies as Aboriginal or Torres Strait Islander and c) is accepted as such by the community he or she lives in (Australian Institute of Aboriginal and Torres Strait Islander Studies, 2018).

The table below reflects the NSW state government departments, related directorates, and Aboriginal identified roles I occupied from 2005 to 2018 (please note: years for positions only include the approximate start and finish year).

Table 1 NSW Government Departments, Directorates, and Aboriginal Identified Roles

NSW Government Department	Directorate	Aboriginal identified roles
Energy Australia ³ (2005-2008)	Human resources (HR) directorate	Aboriginal and Torres Strait Islander Cadet
NSW Department of Education and Communities (DEC) (sic) (2009)	HR directorate, workforce diversity team	Elsa Dixon Aboriginal human resource graduate
NSW Department of Ageing, Disability, and Home Care (ADHC) (sic) (2009-2012)	Metropolitan north district, regional business support team	Regional Aboriginal employment support officer
Housing NSW (HNSW) (2012-2014)	Family and community services (FACS) Aboriginal strategy team	Principal program manager (Aboriginal identified)
FACS NSW (2014-2017)	FACS northern Sydney district, community engagement team	Principal project officer – Aboriginal community engagement
NSW Department of Education (DOE) (2017)	Aboriginal education and community engagement	Statewide initiatives & reform officer (Aboriginal identified)
NSW DOE (2017)	Aboriginal education and community engagement, connected communities	A/team leader, community engagement (Aboriginal identified)
TAFE NSW (2017-2018)	Western Sydney district	Aboriginal employment advisor

³ Energy Australia was a State-Owned Corporation (operating under the NSW *State-Owned Corporations Act 1989*) (NSW Treasury, 2018) that participated in the Director of Equal Opportunity in Public Employment and NSW Premiers Department’s Aboriginal and Torres Strait Islander Cadetship Program for the NSW Public Sector (NSW Government and Commonwealth Government, 2003).

Methodological approach

My thesis will examine the ‘problematizations’ of Aboriginal employment policy in the NSW public sector from 1982 to 2018 through a policy analysis. To examine the selected policies of the NSW state government, I will apply Carol Bacchi’s (2009) ‘What’s the problem represented to be’ approach to scrutinise the policies. I will also apply two frameworks from Norman Fairclough’s (2002; 2003 cited in Walter, 2006) discourse approach to complement Bacchi’s analysis of the Aboriginal employment policy texts.

Being Aboriginal and Torres Strait Islander as a ‘genuine occupational qualification’

Present-day Aboriginal identified roles within the NSW public sector are jobs that consider being Aboriginal and Torres Strait Islander a ‘genuine occupational qualification’ (Anti-Discrimination Board of NSW, 2017). This is in accordance with provisions of Section 14d of the NSW *Anti-Discrimination Act 1977* No 48 (*Anti-Discrimination Act 1977 NSW, s.14d*) and Section 5: Workforce Diversity of the NSW *Government Sector Employment Rules 2014* (*Government Sector Employment Rules 2014 NSW, s.5*). The NSW *Anti-Discrimination Act 1977* No 48 allows for jobs or services to be available to one ‘race’ and ‘ethnic’ group on the basis that it is an essential requirement for the job, so that service providers can provide services that meet the ‘special needs’ of that race (Anti-Discrimination Board of NSW, 2017, p.2).

Exemptions by service providers (such as NSW public service departments and agencies) to the NSW *Anti-Discrimination Act 1977* are not required for jobs that deliver services targeted for Aboriginal and Torres Strait Islander people (Anti-Discrimination Board of NSW, 2017, p.2). However, exemptions under the NSW *Anti-Discrimination Act 1977* No 48 are required for approval by the Anti-Discrimination Board (ADB) of NSW when a particular race or ethnic background is not a ‘genuine occupational qualification’ as specified under Section 14d of the NSW *Anti-Discrimination Act 1977* No 48 (Anti-Discrimination Board of NSW, 2017, p.3). Government agencies and service providers require exemptions by the ADB where being of a ‘race’ is not essential for the job; for example, a general manager or clerical position (Anti-Discrimination Board of NSW, 2017, p.3).

To obtain an exemption, the ADB states that service providers must show that targeting the job for a group will help redress past or present discrimination experienced by the group in a

specific occupation or area of employment (Anti-Discrimination Board of NSW, 2017, p.3). The ADB is of the view that exemptions are granted where the purpose is to create positions for Aboriginal and Torres Strait Islander people that were not previously available to promote equal employment opportunity (EEO) for all people. The ADB is of the view that if an agency wants to favour a group of people for a job, then the exemption must be obtained under the NSW *Anti-Discrimination Act 1977*, to ensure that the role does not discriminate against other groups (Anti-Discrimination Board of NSW, 2017, p.2).

Employment as an ‘Aboriginal person or Torres Strait Islander’ to meet workforce diversity targets

Section 5: Workforce Diversity of the NSW *Government Sector Employment Rules 2014* (*Government Sector Employment Rules 2014 NSW, s.5.*) commits public sector agencies to meet workforce diversity targets and provide employment opportunities (only into non-executive roles) for ‘eligible persons’ as approved by the head of a government sector agency. Eligible persons include being an Aboriginal person or a Torres Strait Islander.

Section 5: Workforce Diversity of the NSW *Government Sector Employment Rules 2014* (*Government Sector Employment Rules 2014 NSW, s.5.*) further states that the agency head must be satisfied that the eligible person employed has the greatest merit for the role, but that they can only be appointed into a non-executive role.

The Collins Dictionary (2018a) defines a ‘non-executive position’ in an organisation as a role that gives advice but does not have responsibility for making decisions or ensuring that decisions are carried out and delegated. The Collins Dictionary (2018b) defines an executive as a senior level position responsible for, and concerned with, making decisions for the business and ensuring that such decisions are carried out. To be specific, under Section 5: Workforce Diversity of the NSW Government Sector Employment Rules 2014, a role approved by the head of an agency for an Aboriginal person or a Torres Strait Islander must meet strict criteria based on merit selection and which cannot be an executive role concerned with making business decisions or delegating and ensuring that decisions are carried out.

Aboriginal identified roles delivering programs and services for Aboriginal people

The following section will identify and describe my academic and professional experiences working with Aboriginal employment policies and initiatives across NSW public sector

agencies⁴ – within the context of working in Aboriginal identified positions from mid-2005 to early 2018. It begins at the commencement of my undergraduate studies in 2005, and summarises the Aboriginal identified positions I occupied, and the associated Aboriginal employment policies of the NSW public sector agencies I worked for – up to February 2018. In February 2018, I exited the NSW public sector and moved across to the university sector to undertake postgraduate research on the problematisation of Aboriginal employment policy within the NSW public sector at Macquarie University, Department of Indigenous Studies.

Undergraduate studies – Aboriginal and Torres Strait Islander Cadetship

From July 2005 to January 2008, I was employed as an Aboriginal and Torres Strait Islander Cadet with Energy Australia in Sydney NSW. This was during my undergraduate studies completing a Bachelor of Business (Management) at the University of Western Sydney (UWS) (sic). During my undergraduate studies, information about Aboriginal and Torres Strait Islander employment opportunities was disseminated and communicated through the specialist Aboriginal and Torres Strait Islander student support staff at the UWS Goolangullia (sic) Aboriginal Education Centre. Other information regarding Aboriginal employment opportunities was promoted through online Indigenous media, such as the Koori Mail and the National Indigenous Times (sic). The NSW Aboriginal and Torres Strait Islander Cadetship Program at Energy Australia was promoted to students through specialist Aboriginal and Torres Strait Islander student support staff at the UWS Goolangullia (sic) Aboriginal Education Centre.

At the time, Energy Australia was a state-owned corporation (operating under the *Corporations Act 1989*) (NSW Treasury, 2018) that participated in the Director of Equal Opportunity in Public Employment and the NSW Premier's Department's Aboriginal and Torres Strait Islander Cadetship Program for the NSW Public Sector (NSW Government and Commonwealth Government, 2003). According to Carol Davies, Director of Equal Opportunity in Public Employment, the Aboriginal and Torres Strait Islander Cadetship

⁴ For the purposes of this thesis, NSW public sector agencies refers to departments, executive agencies related to departments, separate agencies, statutory authorities/bodies, state-owned corporations, advisory entities (including boards and committees), councils under the *Local Government Act*, universities, and subsidiaries of the NSW government established under the *Corporations Act* (NSW Government, 2015). This definition is in line with the NSW Public Sector Aboriginal Employment Strategy 2014-2017 (NSW Government, 2015).

Program for the NSW Public Sector is designed to enhance and develop the government's pool of highly skilled and tertiary qualified Indigenous employees (NSW Government and Commonwealth Government, 2003, p.3). The NSW Aboriginal and Torres Strait Islander Cadetship Program for the NSW Public Sector provide opportunities for NSW Public Sector agencies to support Aboriginal and Torres Strait Islander students to combine tertiary study and employment (NSW Government and Commonwealth Government, 2003).

The program was designed as a renewed approach to support government agencies to implement innovative (new) approaches to manage services for Aboriginal and Torres Strait Islander people and Aboriginal employment initiatives (NSW Government and Commonwealth Government, 2003). The program guidelines state that on successful completion of both tertiary and work placements, the cadet would be offered a permanent job by the agency in accordance with Clause 10 of the *Public Sector Employment and Management (General) Regulation 1996* (NSW Government and Commonwealth Government, 2003, p.7). Clause 10 states that a person belonging to a disadvantaged group may be appointed to a position in the department with the approval of the Public Employment Officer (other than a senior executive position) that the department head considers suitable for the position. The Public Employment Office defines a person from a disadvantaged group as any group of persons who suffers a disadvantage in employment, including Aborigines (sic) or Torres Strait Islanders (*Public Sector Employment and Management (General) Regulation 1996, NSW c.10*).

During my vacation from university (between late November and late February), I completed the 12-week rotational work placements within the corporate divisions of the Energy Australia head office. After successfully completing the cadetship program in 2008, I was offered a position on the Energy Australia Graduate Program. I declined the offer in order to continue my postgraduate studies to further specialise in adult education and social sciences at UWS (sic) in 2008 (which I will explain later in this section).

The decision to undertake postgraduate coursework studies following the completion of the cadetship was largely influenced by the scarcity of knowledge about the context of Aboriginal employment policy during undergraduate studies in business management. In pursuing my postgraduate coursework studies, I was determined to specialise in adult education and training, and to undertake coursework research assessments focusing on

Aboriginal employment policies, such as exploring the life experiences of other Aboriginal cadets who were combining tertiary studies and paid employment within other public sector agencies that were participating in the NSW Aboriginal and Torres Strait Islander Cadetship Program.

I was very open to understanding more about the context and background of how the Public Sector Aboriginal Torres Strait Islander Cadetship Program formed part of the NSW government's Aboriginal and Torres Strait Islander employment frameworks and strategies. As a business management student, none of the units or electives available focused on Indigenous Business and Procurement Policies, Indigenous Employment Policy, and/or Aboriginal and Torres Strait Islander labour market programs. It became quite clear that my university degree at the time failed to provide any foundations topics or units to introduce students to such issues as (but not limited to):

- Aborigines (sic) Protection Policy and labour market exploitation and slavery (Kidd, 2007);
- Aboriginal and Torres Strait Islander people's relationships to settler capitalism (Byers, 2018);
- Contemporary Aboriginal and Torres Strait Islander economic issues (Altman, 2000);
- Economic marginalisation of Aboriginal and Torres Strait Islander people (Byers, 2018);
- Institutional racism towards Aboriginal and Torres Strait Islander people (Strakosch, 2018);
- The 'racialisation' of Aboriginal and Torres Strait Islanders in the labour market (Larkin, 2009); and
- The 'problematism' of Aboriginal and Torres Strait Islander employment policy (Jovanovic, 2018).

There was very little information provided to students about Aboriginal and Torres Strait Islander policies to support unemployment in Australia; Aboriginal employment and training policies within organisations; government EEO frameworks for public sector agencies; and Indigenous Employment funding schemes. It became obvious once I started my postgraduate studies and when I secured an Aboriginal identified position (within human resource directorates in Aboriginal employment positions) in the government sector, that the

‘racialisation’ of employment was a common and widespread business practice for public sector organisations and corporate private sector companies.

The term ‘racialisation of employment’ within the context of this thesis refers to the process in which essentialised innate attributes, differences, qualities and characteristics are ascribed to Aboriginal people through the construction of Aboriginal employment policy documents (texts) (Paradies, 2006). Racialising practices and policy texts controlling and influencing the lives of Aboriginal and Torres Strait Islander people have preoccupied the Australian nation state since the early days of colonisation (Paradies, 2006). The production of racialised practices and policies in health, education, criminal justice and employment demonstrate the exercise of power over the lives and bodies of Aboriginal and Torres Strait Islander people (Garner, 2006; Paradies, 2006). Garner (2006, p.20) reveals that racialisation is an exercise of power in its own right, concluding that there is consensus that the practice of racialisation is something detrimental that is done to ‘others’ as part of a power relationship. The racialisation and problematisation of Aboriginal employment policy within this thesis will reveal the ways in which Aboriginal subjects are constructed as a deficit and dysfunction within organisations, thus creating a power relationship and control system where organisational authority lies with senior management for managing Aboriginal subjects.

The racialisation of Aboriginal subjects within this thesis will uncover and unmask deep rooted assumptions produced and constructed through the production of government Aboriginal employment policy text. It is important to note that such policies are high-level human resource policy documents (written publicly) that govern the employment conditions of Aboriginal and Torres Strait Islander people participating or working within such organisations. Aboriginal employment policy documents commit and guide organisations to achieve specific Aboriginal and Torres Strait Islander recruitment, retention, development, and leadership organisational actions and/or targets.

Table 2 Key Aboriginal and Torres Strait Islander Employment Policy Documents

<ul style="list-style-type: none"> • Aboriginal human resource plans; • Aboriginal leadership development programs; 	<ul style="list-style-type: none"> • Reconciliation action plans; • Indigenous cadetship programs; • Indigenous graduate programs;
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<ul style="list-style-type: none"> • Aboriginal mentoring programs; • Aboriginal pre-employment and training programs; • EEO management plans. 	<ul style="list-style-type: none"> • Indigenous employment policies and/or strategies; • Reconciliation action plans; and • Workforce diversity plans.
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Even though the employment program/initiative titles above are generic and broad, these are generally the accepted terms that apply for such policies within human resources and organisational learning and development. In addition to the above key employment policy documents, seldom was any information provided about key stakeholders and key organisations (such as the specific agencies and organisations listed in the following table). These organisations (funded by commonwealth and state governments) provide support for Aboriginal and Torres Strait Islander people across Australia to access employment and training opportunities and programs.

Table 3 Key Aboriginal and Torres Strait Islander Employment Organisations

<ul style="list-style-type: none"> • Aboriginal employment strategy providers; • Community development and employment projects (CDEP) (sic); • Job service agencies; • Indigenous employment providers (IEP); • New careers for Aboriginal people; and • Vocational education and training centres (VTEC) Aboriginal employment centres.
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Furthermore, my undergraduate degree was lacking information about the key community groups and stakeholders who provide services for Aboriginal and Torres Strait Islander people to assist with getting into employment and/or accessing training programs and opportunities – which form part of the Indigenous sector. Since the 1970s, the Australian system of government has been influenced by the emergence of the Indigenous sector, a product of the policy era of ‘self-determination’ (Rowse, 2002). According to Rowse (2002), self-determination is based upon the rejection of the assumptions and practices of ‘assimilation’, the official policy philosophy in the years up until 1970. The table below provides a snapshot of several key Aboriginal and non-Aboriginal community organisations across NSW focused on supporting Aboriginal employment and training programs and initiatives.

Table 4 Key Aboriginal and non-Aboriginal Community Organisations across NSW

- Aboriginal community organisations;
- Aboriginal education centres at TAFEs and universities;
- Koori interagency networks;
- Local Aboriginal education consultative groups;
- Local Aboriginal land councils;
- Private Aboriginal recruitment providers; and
- Reconciliation networks.

Conversely, the units of study in my undergraduate degree, such as management foundations, human resources management, organisational learning and development, organisational behaviour, and strategic management very much conceptualised Western notions of management theory and practice, employment and training, organisational development, and wealth creation in Australia. The western notions of management theory and practice underpinned by traditional classic notions of control, leadership, organising and power position Aboriginal employment policy outcomes within the context of ‘Workplace Diversity’, ‘Equal Employment Opportunity’ and ‘Affirmative Action’. Aboriginal employment within the context of ‘Workplace Diversity’ is situated within an organisational hierarchy where authority lies with one or several senior managers who ultimately control and organise Aboriginal employment policy targets or actions as they see fit in the process of organisational change.

Historical and current day Aboriginal and Torres Strait Islander perspectives on economic development, employment, and training were completely disregarded during undergraduate studies. Such a perspective would provide knowledge of the Indigenous economy and the nature of the relationship that Aboriginal and Torres Strait Islander people have had with settler capitalism, the welfare economy, and various Aboriginal and Torres Strait Islander employment and training policy approaches by government throughout the different periods of policy approaches to Aboriginal and Torres Strait Islander people.

Postgraduate studies – reflecting on my experiences as an Aboriginal Cadet and exploring the context of Aboriginal employment policy

In 2008, following completion of the Aboriginal and Torres Strait Islander Cadetship Program with Energy Australia, I enrolled in full-time study in the Graduate Diploma in Adult Education (Vocational Education and Training) and the Master of Social Sciences at UWS. During my postgraduate studies, I undertook several research projects in my course work that directly related to my experiences as a cadet on the Aboriginal and Torres Strait Islander Cadetship Program for the NSW Public Sector.

Overall, it was during my postgraduate studies that I engaged in specialised and extended research (through my coursework Master in Social Science program) with a specific focus on the context and frameworks of Aboriginal and Torres Strait Islander employment policies, programs, and initiatives across the NSW public sector, and in federal government and private sector organisations. I completed my postgraduate coursework studies and was awarded a Graduate Diploma in Adult Education and Master of Social Sciences in 2009.

Aboriginal Identified roles in NSW public sector agencies

From July 2009 through to February 2018, I worked across several NSW government departments in identified Aboriginal roles within Aboriginal directorates and non-Aboriginal ‘mainstream’ directorates. Several Aboriginal identified positions formed part of Aboriginal directorates and were often led by a non-Aboriginal executive director or director; however, in some agencies, the Aboriginal directorate was led by an Aboriginal executive director. Within the Aboriginal directorates, there were also many non-Aboriginal people who would often occupy senior management and senior executive positions.

I recall that, on many occasions, the non-Aboriginal directors and senior managers would decide to hire a non-Aboriginal person for an Aboriginal identified position and justify their decision because of the difficulty in finding a capable or qualified Aboriginal or Torres Strait Islander person for the senior executive role. The assumption that there are no Aboriginal Torres Strait Islander people who would be skilled or qualified to work in senior executive roles forms part of the ‘deficit problem’ representations of Aboriginal and Torres Strait Islander employment practices and culture across the public sector. This example of a deficit problem representation reflects the workplace culture of many public sector departments that problematise Aboriginal people as “too incompetent” to occupy senior executive positions in government public sector bureaucracies.

The Aboriginal directorates I worked within were responsible for leading the development, implementation, and management of programs, policies, and services for Aboriginal and Torres Strait Islander people across NSW. For the purposes of this thesis, I have defined Aboriginal directorates as a subsection and subdivision of a government department responsible for delivering Aboriginal and Torres Strait Islander programs and services – in line with the NSW state government Aboriginal affairs policies, plans, and the Aboriginal and Torres Strait Islander policies and plans of specific departments. It is also worth noting that identified Aboriginal roles are not always positioned within Aboriginal directorates of government departments.

I have worked in several Aboriginal identified positions that fall outside of the Aboriginal directorates within an agency; for example, within an executive team, a community engagement team, a custom service team, and in a frontline management team. There are many identified positions across government agencies that fall outside of the Aboriginal directorates across government agencies in NSW and are part of service delivery or frontline positions. These positions or roles often are in isolation to Aboriginal directorates and are, in many instances, the only dedicated support available for Aboriginal and Torres Strait Islander people accessing public service programs and services.

The following section will summarise the Aboriginal identified roles, and the expertise, capabilities, and working knowledge required for employment under the various Aboriginal and Torres Strait Islander employment policies and initiatives of the NSW public service and government agencies.

Elsa Dixon Aboriginal Human Resource Graduate

After completing my postgraduate studies, I was successful in winning a position as an Elsa Dixon Aboriginal Human Resource Graduate with the NSW Department of Education and Communities (DEC) in 2009. The Elsa Dixon program was a three month full-time position for an Aboriginal and Torres Strait Islander graduate with human resource and management qualifications. The position was based in the human resources directorate and formed part of the workforce diversity and Aboriginal employment team. I was employed as Grade 5/6 Project Officer - Identified Aboriginal role.

During the three month placement, I was responsible for supporting the drafting and launch of the DEC *Aboriginal Human Resource Development Plan 2009-2011*, and the drafting of

the DEC *Workforce Diversity Policy and Plan 2012-2017*. Prior to this plan, the Department of Education and Training (sic) developed and implemented the *Aboriginal Human Resource Development Plan 2006-2008*. The inception of the Department of Education and Training's (sic) first Aboriginal Human Resource Plan was a response to Recommendation 8 in Chapter 4 – Junaaygam Recommendations of the Review of Aboriginal Education published in 2004 (Department of Education and Training, 2004). Recommendation 8 of the review states:

That Department of Education and Training (DET) develop an NSW DET Aboriginal Human Resource Development Plan which would include personnel planning, recruitment, career development, professional development, mentoring and the provision of support for Aboriginal employees through strategies such as a DET Aboriginal Employee Network. (The plan should address ways in which Aboriginal people may be employed in targeted projects, e.g. speakers of Aboriginal languages.) (2004: 188).

District Aboriginal Employment Support Officer

After completing the Elsa Dixon Aboriginal employment program, I applied successfully for a position as the District Aboriginal Employment Support Officer (DAESO) (Aboriginal identified) in the Department of Ageing, Disability and Home Care (ADHC), Metropolitan North District. In my role as DAESO, I was responsible for implementing the ADHC's Aboriginal employment policy initiatives and programs.

The ADHC Aboriginal employment policy was titled *Building Pride through Opportunities: Aboriginal Employment and Capabilities Framework Action Plan 2008-2010 (AECF)*. One of the key employment initiatives that my role provided support and leadership for was the *Enhanced Aboriginal Disability Support Worker Program*. This program was funded through the Department of Education, Employment and Workplace Relations (sic) (DEEWR) Indigenous Employment Program, which aimed to increase the number of qualified Aboriginal people working across the government disability sector.

In my role as DAESO, I was responsible for implementing and leading key actions (derived from ADHC's Aboriginal employment policy), which included:

- Coordinating recruitment information workshops at key Aboriginal community sites;
- Building relationships with key Aboriginal education and employment services;
- Advertising Aboriginal identified positions in Indigenous media, including;
 - Aboriginal cadetship roles;

- Aboriginal case manager roles; and
- Aboriginal home care and disability worker roles.
- Undertaking recruitment and merit selection interviews of Aboriginal candidates;
- Providing support to managers of Aboriginal staff transitioning into new roles;
- Assisting the delivering Aboriginal staff to undertake pre-employment training;
- Monitoring retention of Aboriginal staff;
- Coordinating regular bi-monthly Aboriginal staff network meetings;
- Assisting in the planning of the annual state-wide Aboriginal staff conference;
- Co-facilitating and coordinating Aboriginal cultural competency training; and
- Planning workplace events to celebrate key Aboriginal and Torres Strait community dates of significance.

Principal Program Manager (Aboriginal identified)

Following my time working in the DAESO role, I was employed from 2011 to 2013 as a principal program manager (PPM) working within the Aboriginal strategy team of FACS HNSW. The components of the PPM role that focused on leading Aboriginal employment capabilities included:

- Providing input and advice for the *FACS Aboriginal Employment Strategy*;
- Supporting the implementation of the FACS Aboriginal mentoring program;
- Providing advice for the NSW Public Service Commission *Making It Our Business, Aboriginal Employment Action Plan* (Powers, 2013) evaluation project; Developing a FACS-wide Aboriginal cultural competency framework; and
- Developing a digital medium for Aboriginal staff to tell their stories.

Principal Project Officer – Aboriginal Community Engagement

From 2014 till 2016, I was employed in the northern Sydney district community engagement team as the Principal Project Officer (PPO) for Aboriginal community engagement. This role formed part of the district executive team working on building and strengthening community engagement and service delivery for the Aboriginal community in the district of northern

Sydney. The components of the PPO role that focused on leading Aboriginal employment capabilities included:

- Developing and implementing a district Aboriginal employment strategy;
- Recruiting Aboriginal identified positions for the Aboriginal cadetship program;
- Recruiting for the Elsa Dixon Aboriginal project officer position;
- Recruiting for Aboriginal targeted housing client service officer positions; and
- Supporting Aboriginal staff through the transition to the non-government sector.

Aboriginal Employment Advisor

From late 2017 to early 2018, I was employed as an Aboriginal employment advisor for TAFE Western Sydney region, providing support and advice for Aboriginal employment matters. During this period of employment, I provided advice for the agenda, formulation, and implementation of the One TAFE Aboriginal employment strategy and assisted in planning for the state-wide Aboriginal staff conference in mid-2018.

Overall, I accumulated 9 years of professional experience working as a public servant in frontline, mid-level, and senior executive Aboriginal identified positions, through which I developed extensive capabilities and skills in developing and implementing a broad range of Aboriginal employment initiatives and actions.

Chapter 2: Literature Review

The following section provides a literature review on Aboriginal and Torres Strait Islander People in the labour market both pre- and post-1970. The latter section of the literature review summarises the NSW Public Sector Aboriginal Employment Policies selected for critical analysis.

Aboriginal and Torres Strait Islander People in the labour market pre-1970

The analysis and history of Aboriginal labour is quite unknown and labour historians acknowledge that labour market studies about the history of Aboriginal and Torres Strait Islanders did not emerge in the academic literature until the 1960s (Broom, 1971). It is widely acknowledged in labour market studies that historians have been markedly unsuccessful in informing Aboriginal and non-Aboriginal people in Australia about the true history of Aboriginal and Torres Strait Islander labour (Curthors & Moore, 1995, p.2). This reflects the view that non-Aboriginal historians have continued to write and research Australian history with no attention being paid to the brutal and devastating impact of colonial policies, and without considering the experiences of Aboriginal and Torres Strait Islander peoples (Curthors & Moore, 1995).

To understand current economic relations with the labour market situation of Aboriginal and Torres Strait Islander people today, we need to acknowledge the lasting impact of early colonial practices (Byers, 2018). As a starting point, Byers (2018) explains how the legal doctrine of *'terra nullius'* assumed that Australia was unoccupied at the time of arrival in 1788. This racist assumption of Australia as an empty land assumed that everything on the land, including Aboriginal and Torres Strait people, became the property of the colonial powers. Byers (2018) went on to explain that the intentions of the colonists across Australia after 1788 were to either establish trade or a settlement and, as such, the colonial powers focused on land to support the creation of industries and enterprise. Byers (2018) highlights the impact of the massacres, killings, and economic marginalisation of Aboriginal and Torres Strait Islander people onto missions and reserves from the 1840s to the 1970s, which facilitated this expropriation of land.

Byers (2018) explained that during this period, Aboriginal and Torres Strait Islander people slowly began to be absorbed into the labour force; however, many occupied unpaid roles. Byers (2018) highlighted that this approach of racial superiority in the labour market

exploited Aboriginal servants as they were used as a cheap source of labour. From the 1880s to the 1960s, Aboriginal and Torres Strait Islander people worked in different roles across farming, mining, stock work, road building, irrigation, domestic duties, gardening, and in the pearling and fishing industries (Anthony, 2013, p.43). Many of the Aboriginal servants were members of the Stolen Generation who were forcibly removed from their families and placed on missions and reserves (Kidd, 2007). Employers including governments, churches, mining companies, pastoralists, and cattle stations across northern Australia could not have continued their operations without the thousands of highly-skilled Aboriginal workers employed every year between the 1880s and the 1960s (Anthony, 2013, p.43).

Colonial and state governments placed administrative restrictions and control of wages employment and working conditions on Aboriginal and Torres Strait Islander workers from the 1840s to the 1960s (Anthony, 2013). Tens of thousands of Aboriginal and Torres Strait Islander workers employed both by governments and corporations were unpaid. Wages were put in trust funds which Aboriginal and Torres Strait Islander people were unable to access; in other cases, they were paid in the form of rations or insignificant cash payments (Anthony, 2013). Kidd (2007, p.8) stated that governments around Australia controlled wages, savings, and benefits belonging to Aboriginal and Torres Strait Islander people for most of the 20th century. Payments withheld included child endowment, pensions, and even soldiers' pay (Kidd, 2007, p.8). Much of the money held in trust was never paid to its owners (Kidd, 2007, p.8). Trust account funds were transferred to public revenue or disappeared through fraud or negligence along with many of the records (Kidd, 2007, p.8). Historians estimate that tens of thousands of Aboriginal and Torres Strait Islander people had their labour controlled by state and territory governments during this time (Kidd, 2007, p.8).

Byers (2018) stated that the institutional racism and racist views towards Aboriginal and Torres Strait Islander people limited their capacity for economic participation up until, and during, the 1970s, 80s, and 90s when debates around self-determination, land rights, and Native Title began to emerge (Byers, 2018). Curthors and Moore (1995, p.2) revealed that historians Raelene Frances, Bruce Scates, and Ann McGrath urged labour historians to take Aboriginal labour history more seriously, and that if they did not, "labour history will remain conceptually and analytically, trapped with that 'great Australian silence'".

Leonard Broom's (1971) article, *Workforce and Occupational Statuses of Aborigines (sic)*, provides a valuable insight into Aboriginal people in the labour market prior to 1970. Broom draws on the work of numerous scholars (Albrecht, 1966; Broom, 1966; Rogers, 1969; Sharp & Tatz, 1966; Frank, 1967; Frank, cited in Broom, 1971) and draws attention to the exploitation of Aboriginal labour. His focus included key industries such as mining, cattle, and the pastoral industry. Furthermore, Broom discussed the effects and impacts of raising Aboriginal wages on Aborigines (sic), equal wages for Aborigines (sic), and industrial discrimination in the labour market. As highlighted by Broom and others, the literature prior to the 1970s focused mainly on discrimination against Aboriginal people in the labour market.

Aboriginal and Torres Strait Islander People in the labour market post-1970

The 1970s saw increased interest from researchers on the employment patterns of Aboriginal people in rural Queensland (Eckermann, 1979), and the workforce and occupational status of Aboriginal people in Queensland (Broom, 1971). The studies conducted in the 1970s were mostly descriptive in nature and seemed to move away from the debates in the 1960s that focused on the effects of raising wages, equal wages for Aboriginal people, and the discrimination faced by Aboriginal people. Broom (1971, p.21) explained that it was not until the 1966 Commonwealth Census that, for the first time in Australian history, detailed comparisons between Aboriginal and non-Aboriginal Australians occurred.

The shift in focus and attention of academic studies from the 1960s to the 1970s can be linked to government policy changes dealing with Aboriginal people and the changes reflected in social attitudes towards Aboriginal people. The government policy changes included the 1966 Commonwealth Census and the 1967 Constitutional Referendum. According to the Australia Bureau of Statistics (ABS, 1998), the census and the referendum led to major changes in the ways in which Aboriginal and Torres Strait Islander people were viewed in Australian society. Prior to this, many Aboriginal people were excluded from the census count.

Before the 1966 census, questions were based on 'race' and 'blood quantum'. In this period, the definition of an Aboriginal person was persons with more than fifty per cent Aboriginal 'blood' (ABS, 1998). The 1967 Constitutional Referendum (voting on changes to the Australian Constitution) gave the Commonwealth parliament the legal power to make laws

with respect to the Aboriginal people across Australia. It also made possible the inclusion of Aboriginal people into the national census. The amendment deleted part of Section 51 (xxvi) of the Constitution and repealed Section 127.

Prior to the amendment, Section 51 (xxvi) of the Australian Constitution gave the Commonwealth power to make laws with respect to ‘people of any race, other than the Aboriginal race in any state, for whom it was deemed necessary to make special laws’ (AIATSIS, 2018b, p.1). Secondly, Section 127 provided that ‘in reckoning the numbers of people of the Commonwealth, or of a State or other part of the Commonwealth, aboriginal natives shall not be counted’ (AIATSIS, 2018b, p.1). Overall, the states remained responsible for the welfare of Aboriginal people (AIATSIS, 2018b, p.1) prior to the referendum.

As a result of the 1967 referendum, the words ‘Aboriginal person’ no longer appeared in the Constitution, and the Commonwealth acquired the power to legislate for the ‘Aboriginal race’ (ABS, 1998, p.3). The ABS (1998) highlighted that in this context, government policy-makers and agencies were free to reflect social attitudes in developing new definitions of Aboriginal and Torres Strait Islanders. The new definition of the ‘Aboriginal race’, which was used immediately after the referendum, stated that ‘An Aboriginal or Torres Strait Islander is a person of Aboriginal or Torres Strait Islander descent who identifies as an Aboriginal or Torres Strait Islander and is accepted as such by the community in which he or she lives (NSW Department of Aboriginal Affairs, 1982, p.1, cited in ABS, 1998, p.3).

The academic literature on Aboriginal employment policies and programs in the labour market prior to the 1970s was based on census data, which restricted the number of Aboriginal people to 80,000 (ABS, 1301.0, 2004). In contrast, the post-1970 academic literature was informed by the census data on the Aboriginal population of Australia, based on the new Commonwealth working definition⁵ (ABS 4705.0, 2006). The primary source for the literature from 1970 to 2006 on the labour market position of Aboriginal people was the 1982, 1991, 1996, 2001, and 2006 censuses, as well as several cross-sectional surveys (Daly, 1993; Altman, 2000; Gray & Hunter, 2002, 2005). The census data was used in the literature to provide calculations and estimations of the determinants of Aboriginal and non-Aboriginal

⁵ This thesis refers to the Commonwealth Department of Aboriginal Affairs (introduced in the 1980s) definition of an Aboriginal and Torres Strait Islander person as: a) a person of Aboriginal or Torres Strait Islander descent b) who identifies as Aboriginal or Torres Strait Islander and c) is accepted as such by the community he or she lives in (Australian Institute of Aboriginal and Torres Strait Islander Studies, 2018).

labour force participation, employment status (employed or not employed), and labour force participation by cohort (age, sex, gender) (Gray & Hunter, 2002, 2005). Gray and Chapman (2006, p.5) highlighted that the National Aboriginal and Torres Strait Islander Social Survey – NATSIS (Australian Bureau of Statistics (ABS), 2002, p.26) provides a valuable new source of information on the labour force status of Aboriginal peoples.

Pauline Halchuck, an Australian economist and academic (2006) stated that there is a lack of research examining the labour market situation of Aboriginal and Torres Strait Islander peoples, and this a likely factor in the limited sources of data collected on labour market information. In order to demonstrate Halchuck’s (2002) findings, I have reviewed the existing literature to fully demonstrate the need for research into Aboriginal employment policy in Australia. Gray, Hunter and Lohoar (2012, pp.15-16) have provided a comprehensive overview of the various studies that have been conducted into the determinants of Aboriginal employment through statistical modelling of labour force status, which is tabled below.

Table 5 Population summaries of existing literature on Aboriginal employment

Study	Data source(s)	Overview
Statistical modelling of labour force status		
Daly (1995)	1986 and 1991 Censuses	Describes contemporary Aboriginal labour market experiences
Ross (1993)	Author collected own survey data	Examines Aboriginal employment in <i>Regional</i> New South Wales during the 1980s
Hunter (1997)	NATSIS 1994 and 1991 Census	Establishes importance of educational endowments for closing the employment gap
Hunter and Gray (1998)	1986, 1991, and 1996 Census	Examines the structure of Aboriginal employment using cohort and other analysis
Daly and Hunter (1999)	NATSIS 1994	Analyses incentives to look for work by comparing wages with income support payments
Öther-Gee (1999)	Employment case studies from 25 Aboriginal youth in urban and regional areas	Emphasises the role of non-quantifiable institutional and cultural background issues
Arthur and	Qualitative study of 105	Investigates the views that young Torres Strait

Study	Data source(s)	Overview
Statistical modelling of labour force status		
David-Petero (2000)	Torres Strait Islanders aged 15 to 24	Islanders hold about their careers and assesses their orientation or approach to work
Borland and Hunter (2000)	NATSIS 1994	Focuses on impact of arrest on Aboriginal employment. Also presents some international comparisons of Aboriginal labour force status
Musharbash (2001)	Ethnographic study of Yuendumu	Explores Warlpiri ideas about the workplace
Hunter and Hawke (2001)	AWIRS 1995 data on workplaces that employ Aboriginal Australians	Analyses the effects that workplace conditions may have on ongoing employment disadvantage
Hunter and Gray (2001) and Hunter and Gray (2002)	NATSIS 1994	Analyses labour force status, including discouraged workers
Gray and Hunter (2002)	1982, 1986, 1991, and 1996 Census	Examines Aboriginal employment using a cohort (pseudo panel) analysis
Hunter and Hawke (2002)	AWIRS 1995 data linking employee and workplace levels of data	Analyses Aboriginal workers and the characteristics of their workplaces
Junankar and Liu (2003)	1991 Census	Analyses impact of education on employment and income if employed
Sammartino et al. (2003)	1999 survey of senior managers in private sector companies	Provides data on attitudes towards Aboriginal employees and the extent to which their companies have Aboriginal employment policies and strategies
Gray and Hunter (2005)	Longitudinal survey of Aboriginal and Torres Strait Islander job seekers	Explores the dynamics of Aboriginal employment

Study	Data source(s)	Overview
Statistical modelling of labour force status		
Hunter (2004)	2001 Census	Extends Daly (1993) with some analysis of the role of labour demand/supply and scope for discrimination
Gray and Hunter (2005)	Longitudinal survey of Aboriginal and Torres Strait Islander job seekers	Explores the dynamics of Aboriginal employment
Gray and Hunter (2005a) and Hunter and Gray (2006)	Longitudinal survey of Aboriginal and Torres Strait Islander job-seekers	Analyses job search methods of Aboriginal Australians
Austin-Broos (2006)	Ethnographic study of Western Arrernte community	Analyses relationship between traditional activities and values and paid employment
Biddle (2006)	NATSISS 2002	Predicts the employment and income returns from high school education by remoteness and CDEP status
Hunter (2006)	NATSISS 2002	Replicates findings of Borland & Hunter (2000)
Ross (2006)	NATSISS 2002	Analyses the effects of self-assessed health status and long-term disabilities on employment
Biddle et al. (2009)	2001 and 2006 Census	Analyses changes in Aboriginal employment rates by broad age groups across Australian regions
Biddle (2010)	2006 Census	Analyses spatial mismatch and job accessibility of Aboriginal people using journey-to-work data
Biddle and Yap (2010)	2006 Census	Analyses outcomes across the life-course
Booth et al. (2010)	Data from a discrimination experiment (audit study) conducted by the authors	Presents the results of a study on discrimination against Aboriginal Australians

Study	Data source(s)	Overview
Statistical modelling of labour force status		
Stephens (2010)	NATSISS 2002	Provides an overview of the determinants of Aboriginal labour force status
Gray and Hunter (2011)	NATSIS 1994 and NATSISS 2008	Documents trends in Aboriginal employment

The table below summarises the findings from Gray et al's (2012) examination of studies on the effectiveness of labour market programs to increase Aboriginal employment (Gray et al. 2012, p.23).

Table 6 Studies examining the effectiveness of Aboriginal labour market programs

Study	Policy/program evaluated	Evaluation method
Miller (1985)	NESA Aboriginal employment and training programs	The review examined all Commonwealth government Aboriginal employment and training programs to determine if they were appropriate, and if a more effective strategy could be identified and implemented (Miller, 1985)
ATSIC (1994)	AEDP (including TAP)	TAP evaluated using post-program monitoring (gross outcomes)
ATSIC (1997)	CDEP	Likely effects of the CDEP scheme from the 1996-97 ex-participant survey
Spicer (1997)	CDEP	Analysis of Aboriginal and Torres Strait Islander Commission (1997) to compare ex-participants from urban CDEPs with a comparison group of mainly non-Aboriginal people registered with the Commonwealth Employment Service (CES)
Altman et al. (2000)	CDEP (1996)	Compares outcomes in communities with and without CDEP scheme using the 1996 census
Hunter et al. (2000)	Evaluation of programs provided on the Working Nation Initiative and the	Compares outcomes of people who completed labour market programs with those who participated in, but did not complete, labour

Study	Policy/program evaluated	Evaluation method
	AEDP (employment support, training, job creation, wage subsidy, apprenticeships/traineeships, job search training) (1996-1997)	market programs (quasi-control method)
DEWR (2002)	IEP (STEP, Wage Assistance (1999-2002)	Overview of early IEP implementation and outcomes
DEWR (2003)	IEP (1999-2003)	Post-program monitoring (gross impacts) and matched comparison group
Office of Evaluation and Audit (2009)	CDEP (2004-2008)	Document review and analysis of administrative data
DEEWR (2010)	STEP and Wage Assistance (2006-2007)	Matched comparison group

Gray and Chapman's (2006, p.5) understandings of the labour market disadvantage of Aboriginal people is constrained by the limited data available with respect to the Aboriginal population. Stephens (2010) highlighted the fact that variables such as geographic, demographic, cultural and human capital-related factors are key determinants of labour supply and employment prospects for Aboriginal and Torres Strait Islander people. More importantly, there is a strong association between employment and several socio-cultural factors, including having dependants, living in an ethnically-mixed household, and being arrested (Stephens, 2010, p.32). Gray and Chapman (2006) highlighted that this lack of understanding hinders labour market and related policies designed to improve outcomes for Aboriginal people.

Gray and Hunter (2005) stated that the various studies, up to the time in which they were writing, found that the low employment rates for Aboriginal people could be explained by low levels of human capital, social exclusion, and locational factors. Gray and Chapman (2006) argued that human capital is seen by policymakers and institutions as the major factor contributing to the success or failure of Aboriginal people in the labour market. Human capital is defined in this context as the formal education, training, experience, and skills

acquired from on-the-job training (Gray & Hunter 2005, p.399). Gray and Chapman (2006) found that there is a disparity between Aboriginal people living in remote areas and both Aboriginal and non-Aboriginal Australians living in non-remote areas. Gray and Chapman highlighted that the difference in the labour market context for Aboriginal people is 'regionalised' and can be clearly illustrated by statistics, which show that in non-remote areas, the mainstream employment rate is 41.2%, in remote areas 31.7%, and in very remote areas 14.9%. In addition, they also argued that the characteristics of human capital differ across the three types of regions, with education and skill attainment being much lower in remote and very remote communities.

Gray and Hunter (2005) explained that job retention for Aboriginal Australians is determined largely by factors such as educational attainment, health, and exposure to the criminal justice system. Hunter, Kinfu and Taylor (2003, p.20) stated that unemployed Aboriginal people, particularly the long-term unemployed, are far worse off than the employed on a range of social indicators – in terms of higher incarceration rates and police harassment, and in lower levels of social, capital, and civic engagement. Gray and Hunter (2005, p.387) conceded that Aboriginal employment rates remained remarkably low, with only small increases in rates being evident over the previous 30 years (at the time of writing), despite successive government efforts. Hunter, Kinfu and Taylor (2003) argued that the main growth in Aboriginal employment was in private sector Aboriginal Structured Training and Employment Programs (STEP).

In terms of other employment programs, Hunter (2009) argued that the CDEP facilitated the decline of Aboriginal employment in the public sector. Hunter (2009) explains that a result of services provided by the CDEP and the evolution of the scheme in Aboriginal communities, it lessened the pressure for Aboriginal workers to rely on traditional or identified public service positions in the Australian commonwealth or state public sector. In contrast to Gray and Hunter (2005), Taylor (1997) argued that Aboriginal people are out of work because the sectors of the wage-labour economy that Aboriginal labour has relied on in the past, such as the primary sector, have now contracted dramatically and Aboriginal people are demonstrating an unwillingness to engage in relocate to other parts of Australia to access employment.

Taylor (1997) has suggested that, to some extent, Aboriginal people have chosen not to enter into mainstream employment and to participate in dominant society because it may threaten their identity. Here, Taylor (1997) has argued that the workplace environment is not culturally inclusive of Aboriginal people and, in fact, that the workplace environment often excludes them. In support of Taylor (1997), Dockery and Milsom (2007) highlighted that since the 1980s, Aboriginal employment policy by government has stressed the importance of self-determination and cultural preservation. However, the authors (Dockery & Milsom 2007, p. 7) also argued that Aboriginal employment policies have ignored objectives such as self-determination and have focused on more easily quantifiable objectives such as increased numbers of Aboriginal people in mainstream jobs. Dockery and Milsom (2007) are of the view that Aboriginal employment policies are commonly considered to be a means of integrating Aboriginal people into the mainstream economy and labour market. They further argued that Aboriginal employment policy evaluations do not consider important measures such as the strength of Aboriginal communities, political representation, cultural identity, and cultural maintenance and perseverance (Dockery and Milsom, 2007, p.45).

Taylor (1997) explained that Aboriginal employment policies have been developed according to a particular view of the workplace and the role of the workers within it – namely, a Western corporate model based on ideas of individualism and rationality. In support of Taylor, Dockery and Milsom (2007) have argued that Aboriginal employment policies are developed within a specific framework of philosophical positions. Hunter, Kinfu and Taylor (2003) argued that Aboriginal employment policies during the Howard Government era (1996-2008) shifted dramatically. Hunter et al. (2003, p.1) stated that the key Commonwealth policy initiatives enacted over this period included the dismantling of the Keating Government's *Working Nation* labour market programs, the privatisation of employment services, increased mutual obligation in the welfare system, the enhancement of private sector employment, increased mainstream employment, and reduced welfare dependency. Aboriginal employment policies implemented during the Howard era rejected notions of self-determination and cultural maintenance, and instead promoted employment for individuals in the mainstream labour market and reduced the welfare dependency of Aboriginal communities.

Lawrence (2005) built on the work of Taylor (1997), Dockery and Milsom (2007), and Hunter et al (2003), arguing that Aboriginal employment and training are presented as an

effective strategy for breaking welfare dependence and empowering individuals and communities to take responsibility for their own future. Lawrence (2005) argued that Aboriginal employment and training programs increase Aboriginal participation in the economy and reduce Aboriginal dependence on the State. Lawrence (2005) went on to highlight that Aboriginal unemployment and welfare dependence has been problematised and turned into objects of government intervention. Here, Lawrence (2005) supports Taylor by arguing that Aboriginal participation in the economy is achieved through the discourse of neoliberalism.

In the context of Aboriginal employment policy, Lawrence (2005) defined neoliberalism as a form of governance that respects the liberty of individual's freedom, in which individuals are encouraged to regard themselves as rational, economically independent, and active subjects. Lawrence (2005, p.47) found that Aboriginal employment and training programs transform Aboriginal participants into particular 'job ready' subjects. Lawrence (2005) argued that individuals are expected to modify their behaviour and transform themselves into autonomous and active vocational subjects. Regardless of Aboriginal employment and training programs enabling Aboriginal and Torres Strait Islander participants to be job ready, it has done nothing to alleviate the economic disadvantage and marginalisation for Aboriginal and Torres Strait Islander people. It is these aspects of the neoliberal discourse that will be investigated in this thesis.

In comparison to Taylor's (2005) study, Larkin's (2013) study titled *Race Matters: Indigenous Employment in the Australian Public Service (APS)* examines the 'racial division' of labour within the Australian Public Service (APS), highlighting how this contributes to the ongoing attrition of Aboriginal and Torres Strait Islander staff. Larkin (2013) found that 'white' respondents (senior executives in the APS), demonstrated little knowledge and/or experience of Indigenous people, due to their lack of social interaction (Atkinson, Taylor & Walter, 2010 cited in Larkin, 2013). Larkin (2013, p.iii) states 'white executives continue to be in dominant leadership positions in APS Indigenous specific programs and assume an 'unracialised' position, managing issues that nevertheless implicate 'race' through their recourse to colour-blindness. Larkin (2013) reveals that in the APS, there is a hierarchal distance between non-Aboriginal staff and Aboriginal staff. Larkin (2013, p. iii) reveals that white executives perceive that 'race' matters in program delivery, and they inevitably position the operational responsibility for this with Aboriginal staff, while

maintaining managerial oversight. This aspect of the ‘racial division’ of labour within the public sector will be explored in this thesis.

NSW public sector Aboriginal employment policies

This research will undertake a policy analysis of Aboriginal employment policy approaches of the New South Wales Public Service from the period 1977 through to 2018. Through a ‘What’s the problem represented to be (WPR) approach’ (Bacchi, 2009), this research will analyse and evaluate the following NSW Aboriginal employment policies:

Table 7 Selected NSW public service Aboriginal employment policies

Publication title	NSW government authority	Publication year
1. Personnel Management Guidelines Aboriginal Employment and Training	The Public Service Board of NSW	1982
2. Aboriginal Employment Equity Plan Heads of Agency Agreement	Premiers Department NSW	1997
3. NSW Public Sector Aboriginal Employment Strategy 2014-2018	NSW Public Service Commission	2015

These types of Aboriginal employment programs and initiatives have been used by NSW Government public sector agencies and private sector state-owned corporations (Abdullah-Wend, 2008; Dockery & Milsom, 2007; Norris, 2006) since the 1980s. Various researchers have conceded that Aboriginal employment disadvantage still remains in place regardless of the attempts by previous governments and private and public sector organisations to counteract and address this substantial issue (Abdullah-Wend, 2008; Norris, 2006). Dockery and Milsom (2007) have argued that the various Aboriginal employment policies and programs (such as those listed above) fail to recognise the pursuit of Aboriginal people’s own aspirations and choices. They have further claimed that Aboriginal employment policies and programs now explicitly and implicitly promote Aboriginal engagement with the ‘mainstream’ economy and labour market – which is essentially social and cultural assimilation and economic integration into the mainstream economy (Dockery & Milsom, 2007, pp.45-48). Further explanations are needed to understand the problematisation of NSW Aboriginal employment policy through the WPR policy analysis approach (Bacchi, 2009).

Identifying the gaps in the literature

This thesis seeks to make an original contribution to the literature by applying models of policy analysis to Aboriginal employment policy documents from the NSW public service. This will involve the examination of key Aboriginal employment policies implemented through the NSW public service from 1982 to 2018. This area of research has been largely ignored by researchers. The lack of academic literature on the problematisation of Aboriginal employment policy necessitates the need for research into this policy area. Further investigation is required to understand the effectiveness and value of Aboriginal employment policies implemented across the NSW public sector since the early 1980s.

This thesis will contribute new knowledge to the understanding of the discourse of Aboriginal employment policies in the NSW public sector under the current western neoliberal model of Aboriginal employment (Taylor, 1997; Hunter et al., 2003; Lawrence, 2005; Gray & Hunter, 2002, 2005; Halchuck, 2006; Norris, 2006; Gray & Chapman, 2006; Dockery & Milsom, 2007; Abdullah-Wendt, 2008). Aboriginal employment disadvantage in the NSW public sector has remained a problematised policy area for governments since the first policy was implemented in the late 1970s to the present day. The way in which the NSW government's representation of Aboriginal employment policy has been problematised is the central focus of this study.

Chapter 3: Methodological Approach

Research questions

This research will undertake a policy analysis of the definitive policy documents associated with Aboriginal employment in the public service developed and implemented by the New South Wales (NSW) state government from the early 1980s through to 2018 (refer to Table 8: Selected NSW public service Aboriginal employment policies). I acknowledge that Carol Bacchi's (2009) WPR approach will be used as the main method to scrutinise the selected policy texts and uncover the problematisations and assumptions that underlie the problem representations. I have further identified the first two tiers of Norman Fairclough's (2002; 2003 cited in Walter, 2006) 3-tier methodological framework of discourse analysis to be used to complement Bacchi's (2009) approach. On this basis, two research questions have been drawn up to determine the discursive and non-discursive similarities and differences within the NSW state government Aboriginal employment policy texts:

1. What 'rules' are there within the official policy texts?
2. What similar and different discourses (language in the policy texts) are used by the authors that highlight relationships of power, authority, discrimination and control over Aboriginal people working in the NSW public sector?

What language within the policy texts informs us who the readers of these policy documents are? What are the authors of these policy texts trying to teach the reader about Aboriginal employment matters within the NSW state government? How do the authors of the policy texts try to show the readers that Aboriginal people are unusual and different? Within the policy texts, what are Aboriginal staff capable of doing? What are Aboriginal staff not capable of doing? What are Aboriginal staff obliged to do for their employment and jobs in the NSW state government? These are the Aboriginal focused questions of the discourse analysis to uncover the workings of power and control over Aboriginal people working in the NSW public sector manifested within the policy texts.

Scope of the paper

The primary aim and central focus of this research is to examine the official Aboriginal employment policy texts of the NSW state government from 1982 to 2018. As outlined previously, the selected research methods are highly applicable to this form of policy analysis. The research questions will uncover the ‘problem representations’ and ‘assumptions’ of the selected Aboriginal employment policy texts. Subsequently, the textual analysis of language use in the policies, using Fairclough’s first two tiers, will identify what orders of discourse are activated throughout the texts, and how they are activated.

This research project does not engage in qualitative interviews or focus groups with Aboriginal or Torres Strait Islander people who are currently working in, or who have previously held, Identified Aboriginal positions in NSW public service agencies. Furthermore, this research does not examine other Aboriginal employment policies of previous and current federal, state, and territory governments. The sole focus of this research is to critically examine Aboriginal employment policy documents from the NSW public service. It is foreseen that both above research areas could potentially form part of a larger PhD research project that I am planning to undertake after this Master’s Research thesis has been completed.

Bacchi’s ‘What’s the problem represented to be (WPR) approach’

I will apply several research questions outlined in this section from Carol Bacchi’s (2009) ‘What’s the problem represented to be (WPR) approach’ and selected aspects of Norman Fairclough’s (2002; 2003 cited in Walter, 2006) 3-tier research approach to the critical discourse analysis of policy. The main questions through which to analyse the texts are set out below through Bacchi’s (2009) WPR approach. The use of selected aspects of Fairclough’s (2002; 2003 cited in Walter, 2006) approach supplements Bacchi’s analysis of the policy texts.

Through the WPR approach (Bacchi, 2009), this research will critically interrogate the problematisations – how issues are framed as ‘problems’ – in NSW state government Aboriginal employment policies. I acknowledge that the term ‘policy’, as it has been applied in the context of this paper to the selected ‘Aboriginal employment policies of the NSW state government’, is synonymous with other official terms such as plan, strategic plan, program,

guidelines, and action plan as identified in Table 2: Key Aboriginal and Torres Strait Islander Employment Policy Document.

Overall, these terms imply what Bacchi (2009) refers to as a specific course of action or proposal to a problem that needs to be fixed. Bacchi (2009) explains that certain meanings can be attributed to the ‘problems’ that need ‘addressing’ in policy, and highlights that the term ‘problem’ tends to be associated with an existing ‘problematic situation’ and that the language used to describe a problem often assumes that a pre-existing position of the problem already exists. Bacchi (2009) reveals a tendency to refer to a problem ‘as a starting point’ to critically examine problematisations.

The very existence of the NSW state government Aboriginal employment policies and programs signal that Aboriginal employment practices have been problematised in different ways by policymakers working for current and previous NSW state governments. The numerous policies on Aboriginal employment developed by the NSW state government indicate that Aboriginal employment has been, and continues to remain, a ‘problem’ that needs to be ‘fixed’ through a specific policy proposal or course of action (Bacchi, 2009).

The selected Aboriginal employment policies from the NSW state government do not officially state that there are problems that the policy will address or resolve. Rather, these policies contain implicit representations of ‘problems’ often referred to within the policies under the guise of key priorities, key result areas, or key action items. It is these types of contradictions and obfuscations that will be revealed using Bacchi’s WPR policy analysis. The selected NSW public service Aboriginal employment policy approaches can be described, according to Bacchi (2016), as a comprehensive rationality approach to policy.

This approach to policy sets out in ‘clear’ stages an agenda, the formulation of solutions, and the implementation of actions and evaluation. Bacchi (2016, p.3) went on to explain that this approach to policy assumes there is an easily identified social or economic problem that requires ‘addressing’ and that policymakers will develop a policy that will ‘deal with’ this problem. Bacchi (2016) revealed that at the beginning of the policy process, problems are identified, and that the real work involves ‘finding solutions’.

The way these ‘problems’ are represented in Aboriginal employment policies carries with its significant implications. An immediate implication relates to how Aboriginal employment

problems are thought about in the workplace culture of public sector agencies, how Aboriginal people working in the public service are positioned within these problematisations, and how Aboriginal people across the entire public sector are called to think and reflect about themselves (negatively) as a deficit problem or issue that requires special intervention in official government human resource policies. This highlights the productive role of the NSW public service agencies responsible for authoring policy documents, in shaping particular understandings of ‘problems’ in official state government Aboriginal employment policies.

It is important to examine and scrutinise, through a WPR approach, the selected policies to identify how: a) the ‘Aboriginal employment problems’ in the NSW public sector are represented; and b) to subject these problem representations to critical scrutiny through applying a set of six inter-related questions (Bacchi, 2009), as follows:

- Question 1: What’s the ‘problem’ represented to be in a specific policy?
- Question 2: What presuppositions or assumptions underpin this representation of the ‘problem’?
- Question 3: How has this representation of the ‘problem’ come about?
- Question 4: What is left unproblematic in this problem representation? Where are the silences? Can the ‘problem’ be thought about differently?
- Question 5: What effects are produced by this representation of the ‘problem’?
- Question 6: How/where has this representation of the ‘problem’ been produced, disseminated and defended? How has it been (or could it be) questioned, disrupted and replaced?

Delving further into the approach, for Bacchi (2009), every policy is a problematisation (creating a problem in order to solve the problem) and contains implicit problem representations. Bacchi (2009) has argued that we are governed through problematisations rather than through policies, and goes on to state that ‘researchers need to study problematisations (through analysing the problem representations they contain) rather than the problems. The WPR approach provides an original method to analyse and study the problematisations contained in the selected NSW public service Aboriginal employment

policy documents. The WPR approach focuses on the core question of how we are governed, often referred to by Bacchi (2009) as the concept of governmentality.

It is the problematisations and problem representations that govern the professional lives of Aboriginal people working in the NSW state government. The examination of selected policies from 1982 to 2018 will highlight the problematising moments in which shifts in practice have occurred. It is necessary to examine the historical context of the relationship between the problematisations and the practices inherent within these policies.

Selected use of Fairclough's 3-tier research approach

The first two tiers of Fairclough's (2002; 2003 cited in Walter, 2006) 3-tier approach will be used to uncover the linguistic practices that are used to frame the policy documents as part of a sequential methodological framework, as follows:

1. Textual analysis will be applied to examine the vocabulary, grammar, cohesion, layout, sequence, juxta positioning, and text structure; and
2. Discursive practices will be examined to interpret the strategic devices used by the authors of the policies to reinforce their arguments.

Overall, the methodological approach will examine the selected policies of the NSW state government, applying Bacchi's (2009) 'What's the problem represented to be' approach to scrutinise the policies. Two frameworks from Norman Fairclough's (2002; 2003 cited in Walter, 2006) discourse approach will complement the use of Bacchi's approach to analyse the Aboriginal employment policy texts.

Chapter 4: Theoretical Framework

Ferguson's 'Anti-Politics Machine' theoretical framework

The author acknowledges the work of James Ferguson (1994) in providing a useful theoretical framework for this research. Ferguson (1994) provided an analysis of the 'development discourse' highlighting what development does, who 'does' the development, and who benefits from the development. Ferguson's theory of the 'Anti-Politics Machine' was developed as part of a study into the attempted implementation of the Thaba-Tseka 'development' project in Lesotho in Southern Africa from 1975 to 1984 (Ferguson, 1994). The approach Ferguson uses draws on the work of Foucault to analyse the bureaucratic and institutional framework of such projects and the nature of the 'development discourse'.

Ferguson found that while a significant amount of 'expertise' goes into formulating development projects, they frequently ignore the historical and political realities of the people they are intending to help (Ferguson, 1994). When these projects do not achieve their intended goals and repeatedly fail, they create an ongoing and unrecognised effect. The immediate effects include the expansion of bureaucratic control of state power and the continued undertaking of 'developmental' projects requiring state intervention by agencies and experts (Ferguson, 1994). This is particularly pronounced in settler colonial environments such as Australia, where the 'Aboriginal problem' as a perceived social policy issue has significant political implications (Strakosch, 2015). Strakosch (2015, p.8) highlighted how the 'Aboriginal problem', as it is framed under a neoliberal approach, is like a marketplace struggling to control Aboriginal and Torres Strait Islander bodies and lives, where bureaucrats are on the frontline of the daily challenges over welfare, administration, and order – with a focus on delivering programs and services to address or fix the social and economic 'deficiencies' of Aboriginal and Torres Strait Islander people.

Ferguson explained that the misguided development projects in Lesotho in fact act as an 'anti-politics machine' that strengthens the role of the state in local regions and empowers local bureaucrats (Ferguson, 1994). As Ferguson stated, 'the 'development' apparatus in Lesotho is not a machine for eliminating poverty that is incidentally involved with the state bureaucracy; it is a machine for reinforcing and expanding the exercise of bureaucratic state power, which incidentally takes 'poverty' as its point of entry – launching an intervention that may have no effect on poverty, but does in fact have other concrete effects (Ferguson,

1994, p.256). Ferguson went on to state that ‘There was a Post Office, a police station, and an immigration control office; there were agricultural services ...; there were health officials ..., and nutrition officers ... the Ministry of Rural Development, and the Ministry of the Interior, ... A vast number of minor services and functions that once would have operated, if at all, only out of one of the other distant district capitals had come to Thaba-Tseka’ (Ferguson, 1994, pp.252-253).

The use of Ferguson’s (2002, 2003) theoretical conceptualisation of development theory as an Anti-Politics Machine is extremely valuable for this thesis. In applying Ferguson’s framework to the concerns of this study, the ‘intervention’ of the state bureaucracy to increase the under-representation of Aboriginal people in public sector positions, frames Aboriginal and Torres Strait Islander people as problems that require state intervention and development. Ferguson’s (2002, 2003) study is comparable to the colonial relationship that unfolds in the social policy space and neoliberal framing of ‘Aboriginal issues’ and ‘Aboriginal problems’ within Australia. The neoliberal approach frames Aboriginal employment policy under the context of an ‘Aboriginal problem’. The problematisation of Aboriginal employment policy documents demonstrates how public service agencies take a ‘developmental’ and ‘improvement’ approach to deliver programs and services to address the social and economic ‘deficiencies’ as set out by commonwealth and government policy.

The dismantling of the previous structure of Indigenous self-management under the Aboriginal and Torres Strait Islander Commission (ATSIC) reveals the neoliberal arguments about inefficiency and Aboriginal passivity and framing of an Aboriginal problem through self-determination (Strakosch, 2015, p.105). Once ATSIC was dismantled and abolished in 2004, it gave way for new rearrangements of Indigenous governance across Australian commonwealth and state governments and transformed Indigenous policy from self-determination to neoliberalism (Strakosch, 2015). The neoliberal framing of the Aboriginal and Torres Strait Islander people in Aboriginal employment policy documents as ‘problems’ further reinforces and legitimises not only the expansion of bureaucratic control, but the act of governing and institutionalising Aboriginal and Torres Strait Islander people in the NSW public service.

The NSW state government produces knowledge and exercises power over how Aboriginal and Torres Strait Islander people are employed and how their working conditions are

organised in the NSW state public sector through the application of Aboriginal employment policy. In the context of this research, Aboriginal and Torres Strait Islander workers are positioned as colonial subjects, where there is a dependence on the public service to provide 'racilaised' employment opportunities. These Identified Aboriginal positions are created in frontline positions that assist in Aboriginal and Torres Strait Islander programs and services.

The problematisation of Aboriginal employment policy by the NSW state government is something that has been produced by the colonisers, through a 'top down' policy approach. Policy makers in this regards set the agenda and background, formulate implementation plan and solutions to fix the problems, and then evaluate policy outcomes. The NSW state government's jurisdiction to become the knowledge holder through which Aboriginal people are granted an active role to play (within the public service) automatically assumes colonial authority over the lives of Aboriginal and Torres Strait Islander service users and people working for the NSW public service.

The principles of managerialism and institutionalisation as a governing mechanism heavily influences Aboriginal employment policy approaches across the NSW public service. Managerialism relates to the managerial techniques articulated in Aboriginal employment policy documents to govern and oversee the management of Aboriginal and Torres Strait Islander employees. Institutionalisation refers to the hidden and silent assumption within Aboriginal employment policy documents to institutionalise and 'racially segregate' Aboriginal and Torres Strait Islander people into the structures of government institutions largely influenced by agencies services and supply and demand factors.

Chapter 5: Problematisations of Public Service Aboriginal employment policy

This section applies the ‘WPR approach’ to the identified Aboriginal employment policies and proposals from the NSW public service from 1982 to the present. To see which policies are being analysed, refer to Table 8: Selected NSW public service Aboriginal employment policies. The WPR form of analysis will critically interrogate how the problem of the under-representation of Aboriginal and Torres Strait Islander people in the public service has been problematised and will also examine the premises of the representation of these ‘problem/s’ and their effects (Bacchi, 2016). The starting point for the WPR approach is to apply the following set of six inter-related questions (Bacchi, 2009) to each of the selected Aboriginal employment policies:

- Question 1: What’s the ‘problem’ represented to be in a specific policy?
- Question 2: What presuppositions or assumptions underpin this representation of the ‘problem’?
- Question 3: How has this representation of the ‘problem’ come about?
- Question 4: What is left unproblematic in this problem representation? Where are the silences? Can the ‘problem’ be thought about differently?
- Question 5: What effects are produced by this representation of the ‘problem’?
- Question 6: How/where has this representation of the ‘problem’ been produced, disseminated and defended? How has it been (or could it be) questioned, disrupted and replaced?

In addition, two questions of Fairclough’s (2002; 2003 cited in Walter, 2006) 3-tier approach will be used to uncover the linguistic practices that are used to frame the policy documents as part of a sequential methodological framework, which include:

- Question 7: What ‘rules’ are there within the official policy texts?
- Question 8: What similar and different discourses (language in the policy texts) are used by the authors that highlight relationships of power, authority, discrimination and control over Aboriginal people working in the NSW public sector?

Policy #1: Personnel Management Guidelines Aboriginal Employment and Training (Public Service Board of NSW, 1982)

Question 1: What's the 'problem' represented to be in a specific policy?

Several problems are represented in the Public Service Board (PSB) of NSW Aboriginal Employment and Training Policy entitled 'Personal Management Guidelines Aboriginal Employment and Training' published in 1982. These problems are listed as follows:

- There is a need for agencies to establish that they have a positive policy on Aboriginal employment (Public Service Board of NSW, 1982, p. 2);
- Rapid reform of policies and programs is needed to improve the opportunity for employment, occupational mobility reduction of occupational segregation for Aborigines (sic) (p. 2);
- Aborigines (sic) generally hold low paid, low status positions with little opportunity for advancement and are employed in federally-funded Identified Aboriginal positions (p.2);
- An 'Aborigine' (sic) is a person of Aboriginal or Torres Strait Islander descent who identifies as an Aborigine (sic) or Torres Strait Islander and is accepted as such in the community in which he or she is associated (p.6); and
- The individual's personal identity and pride in being Aboriginal and identification with a particular Aboriginal community are important parts of Aboriginal lifestyle (p.7). In other words, the text is producing knowledge that to identify as an Aborigine (sic) in the NSW public sector, it is essential for individual Aboriginal people to take pride and satisfaction in identifying with a particular Aboriginal community and Aboriginal lifestyle. If an individual does not identify with a particular community and is shamed of being an Aboriginal person with an Aboriginal lifestyle does this exclude an individual to identifying as an Aborigine (sic)?

Question 2: What presuppositions or assumptions underpin this representation of the 'problems'?

The assumptions that underpin the representations of these problems are that:

- Agencies have implemented ineffective Aboriginal employment policies;
- The underrepresentation and occupational segregation of Aborigines (sic) in low paid status position will change through rapid policy reform;
- Aborigines (sic) are only employed in federally-funded Identified Aboriginal positions;
- Identified Aboriginal positions are funded by the commonwealth, not by the state.
- To be suitable as an 'Aborigine' (sic) a person must identify as an Aborigine (sic) or Torres Strait Islander and must be accepted as such in an associated community;
- Aborigines (sic) lifestyle is about being proud in being Aboriginal and identifying with a specific Aboriginal community; and
- 'Aboriginality' is accepted as a genuine occupational qualification for employment in the public sector.

Question 3: How has this representation of the 'problem' come about?

The problem of the under-representation of Aboriginal and Torres Strait Islander people in the NSW public sector and related 'negativity' with regards to agencies policies on Aboriginal employment can be understood from a political and historical perspective. Larkin (2013) reveals that many discriminatory programs, laws and social attitudes limited the roles and number of Aboriginal employees working in the Australian Public Service (APS) for the first part of the twentieth century. Larkin (2013) explains that it would not be unreasonable in this regard to assume that Aboriginal people would be given preference to work in government departments administering discriminatory programs prior to the 1967 Referendum. Aboriginal people would not have been given preference to work in any NSW state government department prior to the 1967 Referendum and prior to the repealing of the Aborigines (sic) Protection Act 1909 in 1969 (National Museum Australia (NMA), 2019). Prior to 1967, Aboriginal and Torres Strait Islander people were not counted in the Census until 1967 and prior to 1969 the NSW state government could remove any Aboriginal child at any time and for any reason (NMA, 2019). In this regard, state government agencies would not have been obliged or required to provide Aboriginal people employment opportunities to work for the NSW state government.

Prior to the 1967 Referendum, states controlled the employment and wages of Aboriginal and Torres Strait Islander people (Kidd, 2007). Government policies during this period were founded upon racist views to dispossess and remove people off country onto missions and reserves. Government policies aimed to destroy Aboriginal society where Aboriginal people were taught to reject their Aboriginality and culture and forced to assimilate into 'white society' (Kidd, 2007). The aim of assimilation policies was to absorb Aboriginal people into white society through the process of removing children from their families under the Aborigines (sic) Protection Act 1909 (Anthony, 2013). Taking into account this historical context, it can be linked to the problems identified and assumptions within the policy text. The prejudices of government policies from 1909 to 1969 towards assimilating and breeding out Aboriginal identity shifted dramatically in 1981 through the language in this policy text. Inherently the 1981 policy positions Aboriginal identity as a lifestyle choice requiring an individual to be 'proud' to identify as Aboriginal and to identify with a particular Aboriginal community, which is remarkably different to the governments previous approach. The 1981 policy text creates a new occupational qualification that of 'Aboriginality' as a genuine occupational qualification for employment in the public sector, however recognising that results in a low skilled and occupationally segregated Aboriginal workforce.

Question 4: What is left unproblematic in this problem representation? Where are the silences? Can the 'problem' be thought about differently?

The problem of the under-representation of Aboriginal and Torres Strait Islander people in the NSW public sector in the early 1980s silences the fact that approximately 13 years prior the states controlled the lives of Aboriginal and Torres Strait Islander people. Aboriginal people would be given preference to be employed and work in government departments until the late 1970s or early 1980s. The Committee of Review of Aboriginal Employment and Training Programs (Miller, 1985, p. 3) states that 'since the referendum in 1967, the inability of Aboriginal and Torres Strait Islander people to gain a livelihood, and in particular, to share in opportunities for employment has been of particular concern to the Government'. The commonwealth government introduced the National Employment Strategy for Aboriginals in 1977, to assist Aboriginal people to gain meaningful employment and training. At the same time as, the NSW government legislated the *Anti-Discrimination Act 1977* of which Section

14 (d) provided a 'rule' that if employment involves a person's particular 'race' for the purposes of providing a service, it is recognised as a genuine occupational qualification.

Overall, states were responsible for the welfare of Aboriginal people and placed extensive administrative restrictions and control of wages, employment, and working conditions of Aboriginal and Torres Strait Islander workers from the 1840s to the 1960s (Anthony, 2013). This significantly impacted the economic marginalisation of Aboriginal and Torres Strait Islander people (Byers, 2018).

Question 5: What effects are produced by this representation of the 'problem'?

The effects of the 'problem' that Aboriginal people are 'occupational segregated' to work in Identified Aboriginal positions within the public service sets a false expectation that 'Aboriginality' is a 'genuine occupational qualification' for positions across the public service. This 'race' qualification restricts Aboriginal or Torres Strait Islander people to only work in 'racialised' Identified Aboriginal positions in the public service. The policy document inherently classifies Aboriginality as the only occupational choice available for Aboriginal and Torres Strait Islander people. This sets a low expectation and belief for the rest of the sector that Aboriginal and Torres Strait Islander people can only work in frontline Identified Aboriginal positions. These are service delivery positions in areas where Aboriginal and Torres Strait Islander people comprise a significant proportion of the client group.

This creates a workplace culture where Aboriginal people are not welcomed to work in areas of government where Aboriginal and Torres Strait Islander people comprise a low proportion of the client group (Public Service Board of NSW, 1982, p.26). This also reinforces the racial bias reflected in the 'social attitudes towards Aboriginal and Torres Strait Islander employees' (Larkin, 2013) and creates a negative stereotype and generalised view of Aboriginal people not being able to occupy other positions in the NSW public service because of their 'race'.

Question 6: How/where has this representation of the ‘problem’ been produced, disseminated and defended? How has it been (or could it be) questioned, disrupted and replaced?

The problem representations identified in the PSB Aboriginal employment and training guidelines has been largely circulated and influenced by the NSW Governments commitment to further advance the quality for Aborigines (sic) in all spheres of the community. As the Premier acknowledged in 1982, stating there is a need for perseverance in the achievement of quality for Aborigines (sic) “...and New South Wales is by no means free of shame and in this bi-centenary decade, New South Wales where the dispossession and degradation of Aboriginal people began nearly two hundred years ago-has special obligations to make reparation....and Equality of Employment Opportunity (EEO) for Aborigines (sic) is a very significant component of NSW Government Policy (Public Service Board of NSW, 1982, p.1).

Question 7: What ‘rules’ are there within the official policy texts?

The following ‘rules’ or regulations from the PSB Aboriginal employment and training guidelines, stereotype and generalise how to advertise positons for Aboriginal people and how to what to ask to recognise Aboriginality as a qualification. The final ‘rules’ are for interviewers. The ‘interviewer rules’ construct a racial profile that Aboriginal people will experience difficulties and may suffer from stress and issues during interviewers and will have difficulty providing answers to questions. The rules in the PSB policy state:

- When Identified Aboriginal positions are advertised, Departments and Declared Authorities should specify in job advertisements that ‘Aboriginality is recognised an essential or desirable job requirement’. Advertisement should therefore specify that ‘Aboriginality is a genuine occupational qualification requirement for the positions and is authorised by Section 14 the *Anti-Discrimination Act 1977*’ (Public Service Board of NSW, 1982, p.23).
- Applicants must be of Aboriginal descent with knowledge of Aboriginal communities and culture and/or experiences in Aboriginal community work (Public Service Board of NSW, 1982, p.23).

- The interview should be kept as informal and stress free as possible with no physical barriers between the interviewers and candidate. Many Aborigines (sic) give only brief answer to questions, and a brief response does not necessarily indicate a lack of ability, knowledge or thought about the question (Public Service Board of NSW, 1982, p.35). This statement differentiates that Aborigines (sic) give short and brief responses to questions, which does not imply that Aborigines (sic) lack ability, skills and knowledge – all of which are bias assumptions against Aboriginal interviewees.

Question 8: What similar and different discourses (language in the policy texts) are used by the authors that highlight relationships of power, authority, discrimination and control over Aboriginal people working in the NSW public sector?

The authors of the policy control the narrative. The authors position Aborigines (sic) as the ‘other’, a minority group who are economically and socially inferior to non-Aboriginal people. Aboriginal and Torres Strait Islander people are positioned as disadvantaged and experience high unemployment, low workforce participation, low educational achievement, ill health, poor housing and uneducated (Public Service Board of NSW, 1982, p.3). The policy directly discriminates against Aborigines (sic), stating they lack educational qualifications and motivation to participate in employment in the public sector and require encouragement to participate in training courses and on the job training experiences (Public Service Board of NSW, 1982, p.3). The authors of the policy are paternalistic in limiting and restricting the employment ‘choices’ of Aboriginal and Torres Strait people to work in Aboriginal Identified positions, providing frontline support for Aboriginal service and programs.

Policy #2: Aboriginal Employment and Equity Plan Heads of Agency Agreement (Premiers Department NSW, 1997)

Question 1: What's the 'problem' represented to be in a specific policy?

Several problems are represented in the Aboriginal Employment Equity Plan (AEEP) Heads of Agency Agreement (NSW Premiers Department, 1997). These problems are listed as follows:

- To achieve equity in employment for Aboriginal and Torres Strait Islander people a 2% representation of Aboriginal people in the workforce is required (NSW Premiers Department, 1997, p.6);
- The AEEP five main sections; background, employment plan, implementation, retention and employment options. The AEEP encouraged employment for Aboriginal people across a range of occupations dependent upon the business nature of the agency (NSW Premiers Department, 1997, p.6);
- The implementation section described the manager's role in reporting and monitoring; rationale for identify or targeting positions; need to provide job applicant skills workshops for job seekers and the role of selection committees (NSW Premiers Department, 1997, p.6);
- To address the issue of retention there is a need for exit interviews and to establish networks for Aboriginal employees, deliver cultural awareness training and induction and mentoring of new Aboriginal employees (NSW Premiers Department, 1997, p.6);
- All policies and programs must be developed with an appreciation of Aboriginal and Torres Strait Islander culture (NSW Premiers Department, 1997, p.9);
- Increase the representation of Aboriginal and Torres Strait Islander staff who are promoted and undertaking training and development opportunities (NSW Premiers Department, 1997, p.9);
- Aboriginal people are acquiring valuable and marketable skills which make them competitive in the workplace. One important skill is the ability to structure a written job application. For Aboriginal people, sometime a written application is the biggest hurdle to overcome. The language used and formality of the process leave them less

confident in their chance of winning a position (NSW Premiers Department, 1997, p.19);

- When a position for an Aboriginal person is advertised, the opportunity to attend a Job Application Skills Workshop (JASW) must be offered. JASW are essential when an Aboriginal position is advertised as it increases the number of applications; improves the quality of applicants; increase the number of people who are actually interviewed and ensures a better quality employee through selection of a bigger field (NSW Premiers Department, 1997, p.19); and
- Interviews can be traumatic and anxiety can increase for Aboriginal interviewees. Interview committee members should try to provide an environment that is as non-threatening. Applicants should bring a support person to the interview to help them feel more relaxed. Aboriginal people lack self-confidence and are shy, give brief responses to questions and may not look at committee members when speaking to them (NSW Premiers Department, 1997, p.19-20).

Question 2: What presuppositions or assumptions underpin this representation of the ‘problems’?

The assumptions underpinning the problem representations are listed as follows:

- The policy assumes that Aboriginal employment representation must reach 2% of the total workforce representation to achieve equity (parity) in employment – the 2% workforce representation is measured against statistics (in 1997) of the national Aboriginal and Torres Strait Islander population census count which at the time was approx. 2%.
- Through developing a ‘racialized’ employment policy – will solve and fix the underrepresentation of Aboriginal and Torres Strait Islander employment in the public sector;
- The authors assume that there are ‘issues’ in retaining Aboriginal and Torres Strait Islander people working in the public sector and to address such issues, exit interviews are needed when people exist from the sector. The authors fail to provide any detailed account of the issues in retaining Aboriginal and Torres Strait Islander people. The author wants the reader to be aware that there are ‘issues’ in retaining Aboriginal and Torres Strait Islander employees;

- The authors offer solutions to assist in retaining employees Aboriginal and Torres Strait Islander employees, through the establishment of Aboriginal Employee Networks and providing induction and mentoring support;
- Managers have a specific role in monitoring and reporting on Aboriginal employment matters, such as understanding the rationale for Identified positions and role of selection committees for positions;
- The policy assumes Aboriginal and Torres Strait Islander people require assistance through specific job skills workshops to promote employment opportunities;
- The policy assumes that Aboriginal and Torres Strait Islander peoples must attend a Job Application Skills Workshop (JASW) as many are confused and have had limited experience in preparing formal applications.;
- The policy assumes Aboriginal and Torres Strait Islander peoples are not able to structure written job applications, are unable to understand the language used and less confident in their applications
- The policy assumes that, the quality of employees applying for Aboriginal positions prior to the introduction of the JASW, were not up to standard or quality of agencies;
- The policy assumes that Aboriginal and Torres Strait Islander people experience trauma and anxiety from interviews and panel interviews environments are threatening;
- The policy assumes that Aboriginal and Torres Strait Islander will be feeling insecure in the interview and need a support person to assist them and make them feel relaxed as they already feel uncomfortable about the interview process; and
- The policy assumes that Aboriginal people are racially inferior to non-Aboriginal people; where Aboriginal people experience problems with their self-confidence and are shy; are unable to provide lengthy responses to questions and may not look at committee members when speaking to them.

Question 3: How has this representation of the ‘problem’ come about?

The representation of the problems identified within the AEEP highlight the failure of previous institutional practices and processes within government employment policies. The failure relates to how the NSW public service discriminates and racially stereotypes

Aboriginal people in the AEEP policy document. According to the AEEP, Aboriginal Identified positions are positioned in lower levels roles with the hierarchal structure of organisations, which justify a person's 'race' as a valid occupational qualification (NSW Premiers Department, 1997, p.9). The creation and justification of an Identified Aboriginal positions is based on supply and demand factors within agencies.

The supply and demand factors of agencies services, indicates Aboriginal employment policy is very much influenced by the market dynamics of social policy programs across government agencies. The policies listed below, previously implemented across the NSW public service prior to 1997, assign responsibility for Aboriginal and Torres Strait Islander people to work in Aboriginal Identified positions assisting with program and service delivery:

- Public Service Board (PSB) of NSW, Aboriginal Employment and Training Policy entitled 'Personal Management Guidelines Aboriginal Employment and Training' (Public Service Board of NSW, 1982);
- The NSW Public Service Aboriginal Employment Strategy (Public Service Board of NSW, 1988);
- Aboriginal Employment Strategy (NSW Department of Industrial Relations and Employment, 1989); and
- Aboriginal Employment Strategy for Local Government (NSW Department of Industrial Relations, Employment, Training and Further Education, 1991).

Question 4: What is left unproblematic in this problem representation? Where are the silences? Can the 'problem' be thought about differently?

An unproblematic aspect in the representation of the problems identified above relates to colour blindness and racial stereotypes/discrimination to Aboriginal and Torres Strait Islander people. The authors of the Aboriginal employment policy documents assume an unracialised position through their recourse to colour-blindness racism (Larkin, 2013). Colour-blindness racism (Bonilla-Silva, 2003, p.275, cited in Larkin, 2013, p. 61) combines elements of liberalism with white dominance to 'justify the contemporary racial order'.

Bonilla-Silva (2010, p. 2, cited in Larkin, 2013, p.61), states that whites have developed "powerful explanations which have ultimately become justifications – for contemporary

racial inequality that exculpate from any responsibility for the status of people of colour”. In this regards, the AEEP policy mandates that managers are delegated to take ownership of the Aboriginal employment plan and are best qualified to judge human resource needs by determining where to place Aboriginal people in Identified Aboriginal positions to benefit the workplace (NSW Premiers Department, 1997, p.17), which all implicate the notion of ‘race’.

The AEEP states that Aboriginal Identified positions will always be filled by an Aboriginal person and they will directly serve Aboriginal people or have Aboriginal interests as its main criteria (NSW Premiers Department, 1997, p.18). The AEEP states that managers have a responsible to monitor and report on the status of Aboriginal employment; the number of new Aboriginal people employed; the positions and grade employed and the number of people attending cultural awareness. These examples directly implicate the notion of ‘race’ in the manager’s role in implementing the Aboriginal employment plans and also delivery of service’s to the Aboriginal and Torres Strait Islander community.

Overall, the justification to employ Aboriginal and Torres Strait Islander in the public sector is driven by supply and demand factors based on the market dynamics of agencies. Agencies with significantly larger numbers of Aboriginal and Torres Strait Islander client groups are encouraged to employ Aboriginal people in frontline positions that provide advice on programs and services impacting the community. As the AEEP states, agencies are encouraged to employ Aboriginal people across a range of occupations ‘dependent upon the business nature’ of the agency (NSW Premiers Department, 1997, p.6). In these examples, racial inequality is reproduced through the institutional practices of the policy and reliance on managers to administer and implement the policy based on the business nature and market dynamics.

Put differently, the ‘problem’ representations could potentially be framed to state that:

- Agencies employment representation of Aboriginal and Torres Strait people must be equal to or greater than the percentage and representation of Aboriginal and Torres Strait Islander clients or service users of the agency, across all regions of NSW. For example, if the total number of Aboriginal and Torres Strait Islander clients is 40% of the agency, then 40% percent of the workforce needs to be Aboriginal and Torres

Strait Islander and the workforce demographics is reflective of regions Aboriginal and Torres Strait Islander community demographics; and

- Agencies must employ only Aboriginal and Torres Strait people in all frontline, managerial and executive positions delivering, administering, implementing and developing Aboriginal programs and services across NSW. The Aboriginal and Torres Strait Islander people in frontline, managerial and executive positions must possess the relevant academic qualifications, professional capabilities and experiences.

Question 5: What effects are produced by this representation of the ‘problem’?

The 2% representation of the Aboriginal and Torres Strait Islander employment (NSW Premiers Department, 1997, p.6) does not directly correspond with the business needs and ‘market dynamics’ of agencies Aboriginal and Torres Strait Islander client base. Managers and Aboriginal employment policy makers have discretion and can influence the under achievement of the 2% target. The 2% target ostensibly appears to be difficult or challenging for agencies to achieve, yet Aboriginal and Torres Strait Islander client groups across many NSW government agencies represent greater than 2% of the client base. This is evident across many social policy areas such as out of home care, disability and housing within the NSW Department of Family and Community Services where there is an over-representation of Aboriginal and Torres Strait Islander clients (NSW Government, 2017).

Question 6: How/where has this representation of the ‘problem’ been produced, disseminated and defended? How has it been (or could it be) questioned, disrupted and replaced?

Throughout the AEEP Aboriginal employment policy text a pattern emerges where Aboriginal employment in the public sector is contextualised under the neoliberal framing of the ‘Aboriginal problem’ in social policy. The AEEP Aboriginal employment policy documents acknowledges the socio-economic disadvantage experienced by Aboriginal and Torres Strait Islander people compared to non-Aboriginal people (NSW Premiers Department, 1997, p.11). The AEEP policy text reinforces the need to employ Aboriginal and Torres Strait Islander only in operational positions delivering programs and services (NSW

Premiers Department, 1997, p.4). Consequently, Aboriginal and Torres Strait Islander people in the public service are ‘racially segregated’ and positioned as the ‘other’ being economically and socially inferior to non-Aboriginal people in the hierarchy.

The following questions relate to the authoritarian and paternalistic nature of NSW public service AEEP Aboriginal employment policy ‘problem representations’:

- Why are NSW public sector agencies directed through policy to retain Aboriginal or Torres Strait Islander people through the establishment of an employee network and delivery of a mentoring program for Aboriginal or Torres Strait Islander people?
- Why do NSW public service agencies only need to meet a target of 2% employment representation of Aboriginal or Torres Strait Islander people?
- Why does the AEEP Aboriginal employment policy text portray Aboriginal and Torres Strait Islander people as inferior to non-Aboriginal people?
- Would it be unrealistic for NSW agencies with significantly large numbers of Aboriginal or Torres Strait Islander clients to set targets and employ the same number of Aboriginal or Torres Strait Islander people across frontline, senior manager and executive positions?
- Why does the AEEP discriminate and racially stereotype Aboriginal people as inferior to non-Aboriginal people?
- Why are employment opportunities limited to only Aboriginal Identified service delivery and operational positions in government bureaucracies?
- Why has ‘race’ and the construct of ‘Aboriginality’ continued to be used and justified by the NSW public service as a genuine occupational qualification?

Question 7: What ‘rules’ are there within the official policy texts?

The following ‘rules’ or ‘principles’ from the AEEP Aboriginal employment policy text, govern Aboriginal and Torres Strait Islander employment practices and processes, which include:

- Agencies participating on the AEEP three year plan must achieve 2% representation of Aboriginal and Torres Strait Islander people by the year 2000 (NSW Premiers Department, 1997, p.27);

- Over the three years, agencies implementing the AEEP will develop an employment action plan to achieve outcomes of the AEEP (p. 27);
- Managers have a responsibility and ownership of the AEEP to determine where to place Aboriginal and Torres Strait Islander people and how it will benefit the workplace (p. 17-19);
- JASW's are essential when an Aboriginal position is advertised to ensure a better quality employee is found for the position (p. 19-21);
- Aboriginal people are racially inferior to non-Aboriginal people and selection committees should be aware of these differences, including the assumption that Aboriginal people may be hesitant or lack trust as a result of negative experiences with non-Aboriginal people (p. 21);
- If mentoring support is provided by a non-Aboriginal person willing to act as a mentor they must be prepared to undertake cultural awareness training (p. 32); and
- Aboriginal employee networks provide support for Aboriginal employees, and many Aboriginal employees work in isolation to one another. No more than three meetings per calendar year and attendance at meeting should not be considered formal training (p. 33).

Question 8: What similar and different discourses (language in the policy texts) are used by the authors that highlight relationships of power, authority, discrimination and control over Aboriginal people working in the NSW public sector?

The authors of the policy frequently position Aborigines (sic) as the 'other' who are again economically inferior to non-Aboriginal people and this disadvantage is evident across current socio-economic indicators. The policy states Aboriginal people face disadvantages and lack employment opportunities which have impacted negatively upon Aboriginal people's self-esteem and well-being (NSW Premier's Department, 1997, p.4). The policy stereotypes and racially constructs a representation that Aboriginal people:

- Live in remote communities with no economic base;
- Have low educational standards resulting from lack of access to learning institutions;

- Have limited work skills through lack of access to employment and career development; and
- Are discriminated against in employment (p.11).

The authors of the policy are paternalist and authoritarian towards the employment of Aboriginal and Torres Strait Islander people. The Director General of the NSW Premiers Department Col Gellatly states ‘agencies such as ours must have Aboriginal people in our workforce to provide advice on policies and programs that impact upon the larger Aboriginal community (NSW Premiers Department, 1997). In this regard, it appears the Director General racially constructs a representation that Aboriginal people are directed to work in the public sector only to provide advice on programs and policies impacting on the larger Aboriginal community.

In other words, agencies must have Aboriginal people to work for them and provide ‘advice’ through their Identified Aboriginal position, by reporting to management about the impact (either negative or positive) of government programs and policies.

Policy #3: NSW Public Sector Aboriginal Employment Strategy 2014-2018
(NSW Public Service Commission, 2015)

Question 1: What's the 'problem' represented to be in a specific policy?

The key problem representations in the NSW Public Sector Aboriginal Employment Strategy 2014-2018 (NSW Government, 2015) includes the following:

- NSW public service is as a major employer of Aboriginal people with a role to play in demonstrating good practice in Aboriginal employment (p. 1);
- NSW public service is boosting both the number of Aboriginal people in employment and are underrepresented in decision-making roles (p. 1);
- The NSW Government is able to contribute to 'closing the gap' in economic participation for Aboriginal people (p. 2);
- Aboriginal employment improves the services we deliver, particularly for Aboriginal people. It helps us to better understand Aboriginal customers and communities, and to develop and deliver improved policies and programs (p. 2);
- NSW Government is committed to increase Aboriginal representation in the Public Sector to 2.6% by 2015 (p. 3);
- This Strategy introduces an aspirational target of 1.8% by 2021 for each of the Sector's salary bands to overcome the 'pyramid' effect of the previous target and approach (p. 3);
- The aim of the target is to improve the distribution of our Aboriginal employees across all classifications of the Public Sector rather than having the majority of our 2.9% Aboriginal staff population at the lower levels of our structure (p.3).
- Career mobility and progression for Aboriginal staff includes enhancing opportunities for inter-agency secondments, running a Sector-wide Aboriginal leadership and development program, and promoting efforts to increase Aboriginal representation in executive roles (p. 3);
- Develop a series of "Aboriginal Recruitment – Tips and Fact Sheets" on:
 - "How to Attract more Aboriginal Applicants to Your Jobs";
 - "How to Confirm the Aboriginality of Job Applicants"; and

- “How to Work with Assessment Service Providers to Get Good Results in Aboriginal Employment” (p.4);
- Research the underlying causes of lower Aboriginal staff retention in the NSW Public Sector (p. 5);
- Establish an Emerging Aboriginal Leaders’ Network for experienced Aboriginal staff (p. 5);
- Enhance the capabilities and confidence of Aboriginal staff to perform in senior management and executive roles through secondments (p. 6);
- Find out what our Aboriginal staff think about working in the NSW Public Sector by collecting more detailed data on Aboriginal staff perceptions of the NSW Public Sector through the People Matter survey (p. 6);
- Develop information sheets/checklists for Aboriginal staff and their supervisors to help identify responses to common performance issues such as community pressures (6); and
- Provide development support to staff in Identified Roles in line with the capability framework (6).

Question 2: What presuppositions or assumptions underpin this representation of the ‘problems’?

- Agencies across the NSW public sector have been demonstrating ineffective Aboriginal employment practice;
- Generalised view and racial stereotype that Aboriginal people cannot work in senior management and executive roles;
- Representation that decision making roles are senior management and executive positions involved with management of Aboriginal programs and services;
- ‘Closing the gap’ in economic participation for Aboriginal people is achieved through improved employment opportunities in the NSW public service;
- The assumption that Aboriginal staff will improve the workforce diversity of the public sector;
- The assumption that Aboriginal people represent 2.9% of the public sector; the data collected on the representation of Aboriginal people is only an estimate calculation;

- The policy positions the majority of the Aboriginal people in the public sector at lower level positions;
- Actions such as opportunities for inter-agency secondments, running a Sector-wide Aboriginal leadership and development program, and promoting efforts to increase Aboriginal representation in executive roles will improve the underrepresentation of Aboriginal people in senior management and executive roles;
- The development of the tips and fact sheets assumes agencies do not know how to recruit and require assistance with recruiting Aboriginal people:
 - How to attract Aboriginal applicants – constructing racial stereotypes about how to attract Aboriginal people for positions? Assuming that Aboriginal all people can't or don't know how to apply for positions;
 - How to confirm Aboriginality of job applicants – constructing a racial stereotype and generalised view of how to identify who is 'Aboriginal' for an Identified Aboriginal position;
- The public sector does not know the causes of Aboriginal staff existing the sector;
- Assumes experienced Aboriginal staff are Aboriginal Leaders and are superior to other Aboriginal staff;
- The policy assumes that Aboriginal staff lack the confidence of capabilities to perform in senior management and executive roles;
- The NSW public sector does not know how Aboriginal staff think about working in government;
- Supervisors of Aboriginal staff have a moral panic as 'pressure from community' is perceived as a performance management issue for supervisors to intervene and discipline staff;
- Aboriginal and Torres Strait Islander staff are racially stereotyped as 'lower level employees', seldom are they positioned as the manager or supervisor; and
- Aboriginal staff in Identified Roles required development support to meet the NSW capability framework.

Question 3: How has this representation of the ‘problem’ come about?

The problem representations are a result of the continued paternalistic and discriminatory employment practices and processes of previous NSW public sector Aboriginal employment policies, which continue to racially stereotype Aboriginal and Torres Strait Islander staff across the public sector as:

- Important for the delivery of services for Aboriginal people;
- Socially and culturally inferior to non-Aboriginal people;
- Lacking confidence and not capable to perform in executive roles;
- Unable to occupy decision making roles; and
- Capable of working lower level positions across the public sector.

This policy positions public sector agencies not knowing ‘how to’:

- Confirm Aboriginality of job applicants;
 - Agencies require advice and knowledge about who is Aboriginal to fill Identified Aboriginal positions?
- Attract Aboriginal applicants; and
 - Agencies require support and guidance on what to do to attract Aboriginal applicants?
- Relate to and understand Aboriginal customers and communities.
 - Agencies are requiring advice on how to relate and understand Aboriginal customers?

Question 4: What is left unproblematic in this problem representation? Where are the silences? Can the ‘problem’ be thought about differently?

The NSW Public Sector Aboriginal Employment Strategy 2014-2018 (NSW Government, 2015) fails to provide any workforce data or information about the classifications and agencies employing the 2.9% Aboriginal staff population, of which the majority are at the lower levels of the organisational structure (p.3).

The policy does not provide any data on the representation of Aboriginal and Torres Strait Islander people as service users based on supply and demand factors across all of the NSW

government agencies. This data would provide a valuable insight into whether or not agencies with significantly large numbers of Aboriginal and Torres Strait Islander clients are meeting Aboriginal employment commitments.

Question 5: What effects are produced by this representation of the ‘problem’?

In 1997, the NSW public sector target was 2% representation for Aboriginal and Torres Strait Islander employment (NSW Premiers Department, 1997, p.6). In 2014, NSW public sector target increased its representation for Aboriginal and Torres Strait Islander staff to 2.9% (NSW Government, 2015). As noted in previous policy analysis, the representation of Aboriginal and Torres Strait Islander staff does not directly correspond with many agencies social policy (supply and demand factors) of the Aboriginal and Torres Strait Islander client base. In addition, the creation and justification of an Identified Aboriginal positions has remained consistent since initial policies approaches were introduced in the 1980s. The representation of Aboriginal and Torres Strait Islander people across the NSW public sector has risen from 2% in 1997 and 2.9% in 2014. This reflects a percentage increase of .09% from 1997 to 2014.

In everyday business practices across the NSW public sector, Aboriginal people are racially stereotyped to work in Aboriginal Identified positions. Aboriginal people are racially stereotyped to provide advice in the delivery of services for Aboriginal customers and communities.

Question 6: How/where has this representation of the ‘problem’ been produced, disseminated and defended? How has it been (or could it be) questioned, disrupted and replaced?

The NSW Public Service developed and implemented a Sector-wide Aboriginal leadership and development program commencing in 2014 (NSW Government, 2015). This program is founded on the racist assumption and stereotypes that Aboriginal and Torres Strait Islander staff working in the public sector ‘lack confidence’ and are ‘not capable to perform in executive roles’ (NSW Government, 2015). The racial stereotype that Aboriginal staff can only undertake a racialised Aboriginal leadership course to enhance career prospects?

How would such a program increase the significant underrepresentation of Aboriginal and Torres Strait Islander people in decision making roles, given the racist and discriminatory views towards Aboriginal and Torres Strait Islander staff? Furthermore, the lack of attention to racism and bias in the public sector as a major gap in employment outcomes for Aboriginal and Torres Strait Islander staff is not being addressed in policy.

Why has a leadership program been ‘racialised’ for Aboriginal and Torres Strait Islander staff in the public sector? When an Aboriginal or Torres Strait Islander person graduates from this program how does it assist the person to be employed in a decision making position (that already exist in a government agency) responsible for Aboriginal programs and services within the NSW public service? Understandably, the decision making roles responsible for Aboriginal programs and services within the NSW public service are not occupied by Aboriginal or Torres Strait Islander people (NSW Government, 2015).

Question 7: What ‘rules’ are there within the official policy texts?

The following ‘rules’ or ‘principles’ from the NSW Public Sector Aboriginal Employment Strategy 2014-2018 (NSW Government, 2015), govern Aboriginal and Torres Strait Islander employment practices and processes. It includes:

- Racial stereotype that Aboriginal or Torres Strait Islander public service staff must occupy non-decision making roles for the delivery of Aboriginal programs and services;
- Racial stereotype that Aboriginal or Torres Strait Islander staff are employed to work in lower level roles assisting in delivery of programs and services for Aboriginal customers and communities;
- Racial stereotype that to increase Aboriginal representation in executive roles, Aboriginal staff must enrol and complete the sector Sector-wide ‘racialised’ Aboriginal leadership and development program; and
- The ‘racialised’ ‘stereotyped’ “Aboriginal Recruitment – Tips and Fact Sheets” will assist agencies recruitment processes.

Question 8: What similar and different discourses (language in the policy texts) are used by the authors that highlight relationships of power, authority, discrimination and control over Aboriginal people working in the NSW public sector?

The authors of the NSW Public Sector Aboriginal Employment Strategy 2014-2018 (NSW Government, 2015), racially construct stereotypes of Aboriginal and Torres Strait Islander people in the public sector as the 'other', racially inferior to non-Aboriginal people. The misrepresentations and negative deficit representations homogenise Aboriginal and Torres Strait Islander people in the NSW public sector under the 'racialised stereotypes' identified in the previous analysis questions.

The combined use of Bacchi's (2009) WPR policy analysis and Fairclough's (2002; 2003 cited in Walter, 2006) 3-tier approach linguistic analysis of selected NSW public sector Aboriginal employment policy documents has identified a range of 'problem' representations each policy purports to address, including 'assumptions', 'rules' and 'discourses' throughout the text. 'Problem' representations fixated throughout all the policies include; the underrepresentation of Aboriginal and Torres Strait Islander people in the public sector positions; the racist assumption Aboriginal and Torres Strait Islander people lack inability and motivation to aspire for senior management and executive roles in the public sector; racist assumption Aboriginal and Torres Strait Islander work people into 'racialised' Aboriginal Identified positions, where Aboriginality is a genuine occupation qualification.

Overall, the use of Bacchi's (2009) WPR policy analysis Fairclough's (2002; 2003 cited in Walter, 2006) 3-tier approach linguistic analysis has revealed how governing takes place in the NSW public sector through the formation of 'problems', otherwise referred to as 'racist assumptions' and 'stereotypes'. The 'racist stereotypes' and 'assumptions' with the policy significant effect the lives of Aboriginal and Torres Strait Islander people working in the NSW public service.

Chapter 6: Discussion

The final section of this thesis describes the significance of the policy analysis findings, taking into consideration current research. This section offer new insights and understandings for government policy makers, public service senior executives, human resource practitioners and labour market academics thinking about:

- Overcoming the historical legacy of the exploitation of Aboriginal labour;
- The ‘racialisation’ of Commonwealth and NSW Aboriginal employment legislation;
- The ‘racial stereotypes’ of NSW government Aboriginal employment policy;
- Identity politics – who are the real Aboriginals? and
- Aboriginality – how does this qualify as a genuine occupational qualification?

Overcoming the historical legacy of the exploitation of Aboriginal labour

It is clear from the policy analysis; the NSW state government does not provide any recognition or honour to members of the Stolen Generations and other Aboriginal and Torres Strait Islander people across NSW and Australia whose wages and other payments were controlled by state and territory governments during most of the 20th century (Kidd, 2007). Even though the NSW state government established the Aboriginal Trust Fund Repayment Scheme in 2005, the practice of controlling labour and withholding wages and other wages from Aboriginal people in NSW has resulted in an increase in intergenerational poverty and further economic marginalisation (Byer, 2018; Kidd, 2007). More importantly, this significantly impacted the ‘intergenerational wealth’ of many Aboriginal and Torres Strait Islander people and families. Kidd (2007) states that historians estimate tens of thousands of Aboriginal and Torres Strat Islander people had wages and other payments controlled by state and Territory governments.

It is obvious that labour historians and government employment policy makers are conceptually and analytically trapped in a ‘great Australian silence’, and need to take Aboriginal labour history more seriously, in particular the exploitation of Aboriginal and Torres Strait Islander people and the Stolen Wages (Kidd, 2007; Raelene Frances, Bruce Scates, and Ann McGrath NA, cited in Curthors and Moore 1995, p.2). It is important to reveal that the exploitation of Aboriginal labour, occurred during a period of time where

white racial superiority dominated the Australian government landscape, up until the end of the White Australia Policy in 1973. Not forgetting that prior to the end of the White Australia Policy, the Australian Government held a Constitutional Referendum 1967, which saw changes to the Australian Constitution. The changes from the Constitutional Referendum gave the Commonwealth parliament the legal power to make laws with respect to the Aboriginal people across Australia. As a result of the 1967 Referendum, the words ‘Aboriginal person’ no longer appeared in the Constitution, and the commonwealth acquired the power to legislate for the ‘Aboriginal race’ (AIATSIS, 2018b).

‘Racialisation’ of Commonwealth & NSW Aboriginal employment legislation

Following the 1976 Referendum in 1975, the commonwealth government legislated the *Commonwealth Racial Discrimination Act 1975*. Section 8 of the *Commonwealth Racial Discrimination Act 1975* allows for commonwealth agencies to meet the requirements of ‘special measures’ within the legislation, with the aim to increase the employment of Aboriginal and Torres Strait Islander people (Australian Human Rights Commission, 2015). A special measure is defined as an action taken to address disadvantage experienced by a particular racial group, so that members of that group may enjoy their rights equally with other groups (Australian Human Rights Commission, 2015, p.6). Special measures support groups of people who face, or have faced, entrenched discrimination so they can have similar access (Australian Human Rights Commission, 2015, p.6). Larkin (2013, p.11) critiques the ‘special measures’ requirement referring to it as a ‘white program’ ostensibly designed to address a perceived ‘Indigenous deficit’, that is the Australia Public Service’s remedy to fix the unemployment of Aboriginal and Torres Strait Islander people.

In contrast to the Commonwealth legislation, the NSW *Anti-Discrimination Act 1977* does not include a clear ‘special measures’ provision. In NSW employers need to apply for an ‘exemption’ from that Act to conduct targeted recruitment for Aboriginal and Torres Strait Islander people (Dillon, 2015). In support of Larkin’s (2013) argument, the application for an exemption to the NSW Anti-Discrimination Board (ADB) to create an Aboriginal Identified position under a ‘white program’, is a further barrier to real employment to fix a perceived Aboriginal employment ‘deficit’. The ADB application for ‘exemption’ to create Identified Aboriginal positions under Section 14d of the NSW Anti-Discrimination Act 1977 No 48 provision confirms the existence of a racialised legislation embedded in NSW public sector

institutions, that discriminates against Aboriginal and Torres Strait Islander people. A common problem representation and has been the perception that Aboriginal and Torres Strait Islander people are underrepresented and unemployable in the public sector.

‘Racial Stereotypes’ of NSW government Aboriginal employment policy

The policy analysis exposed the racial bias, racist assumptions and racist stereotypes contained with the selected Aboriginal employment policy texts. These include:

- Aboriginal people are racially inferior to non-Aboriginal people and selection committees should be aware of these difference;
- Aboriginal people may be hesitant or lack trust as a result of negative experiences with non-Aboriginal people;
- Aboriginal people face disadvantages and lack employment opportunities which have impacted negatively upon Aboriginal people’s self-esteem and well-being;
- For Aboriginal people, sometimes a written application is the biggest hurdle to overcome. The language used and formality of the process leave Aboriginal people less confident in their chance of winning a position;
- Aboriginal people have low educational standards resulting from lack of access to learning institutions;
- Aboriginal people have limited work skills through lack of access to employment and career development;
- Aboriginal staff lack the confidence of capabilities to perform in senior management and executive roles;
- Supervisors of Aboriginal staff face a ‘moral panic’ as ‘pressure from community’ is perceived as a performance management issue for supervisors to intervene and discipline Aboriginal staff;
- The NSW public sector does not know how Aboriginal staff think about working in government;
- Aboriginal and Torres Strait Islander staff are racially stereotyped as ‘lower level employees’, seldom are they positioned as the manager or supervisor;
- Aboriginal staff in Identified Roles require development support to meet the NSW capability framework;

- Racial stereotype and assumption that to increase Aboriginal representation in executive roles, Aboriginal staff must enrol and complete the sector Sector-wide ‘racialised’ Aboriginal leadership and development program;
- Racial stereotype and assumption Aboriginal people working in Identified Aboriginal positions provides assistance and support for Aboriginal programs and service delivery to the community; and
- Racial construct that Aboriginal people are directed to work in the public sector only to provide advice on programs and policies impacting on the larger Aboriginal community.

The above statements position Aboriginal public servants as dysfunctional with limited skills and capabilities. These representations depict Aboriginal public servants as lacking the ability to be in a position of power, authority and decision making (within an organisational context) to delivery services at the frontline and lead (manage) programs within a government service agency.

Identity Politics’ – Who is the real Aboriginal?

The policy analysis exposed the ideological influence of race prejudice and pseudoscience to construct the ‘other’, the Aborigine (sic) and the Aboriginal or Torres Strait Islander person. Even through pseudoscience of generations past, although debunked on a scientific level, profoundly influences race relations within the NSW public service. The racial prejudice on the other hand reflects the ‘pervasive’ attitudes of policy makers and public service employees hold relating to the negative ‘deficit’ views against Aboriginal and Torres Strait Islander counterparts. A common racial prejudice relates to the ‘surveillance’ of Aboriginality and knowing who is really Aboriginal or Torres Strait Islander. Within the policies, Aboriginality is positioned as a main problem, and efforts are made in the policies to address a person’s Aboriginality.

Aboriginality in the Public Service Board of NSW Aboriginal Employment and Training Policy (Public Service Board of NSW, 1982) is defined based on the Department of Aboriginal Affairs 1973 administrative definition of Aboriginality, which states:

- An ‘Aborigine’ (sic) is a person of Aboriginal or Torres Strait Islander descent who identifies as an Aborigine (sic) or Torres Strait Islander and is accepted as such in the

community in which he or she is associated (Public Service Board of NSW, 1982, p. 6); and

- The individual's personal identity and pride in being Aboriginal and identification with a particular Aboriginal community are important parts of Aboriginal lifestyle (p.7).

The administrative definition assumes that an:

- 'Aborigine' (sic) must identify (as some people may not identify or may not know they have to identify) as a person of Aboriginal or Torres Strait Islander descent;
- 'Aborigine' (sic) must be (some people may not want to be nor are unable to be) accepted as an Aboriginal or Torres Strait Islander in the community in which he or she is associated with;
- 'Aborigine' (sic) must identify with a particular community; and
- 'Aborigine' (sic) are not proud of being Aboriginal.

The NSW Public Sector Aboriginal Employment Strategy 2014-2018 (NSW Government, 2015) positions 'Aboriginality' as a problem and problematizes NSW public sector agencies not knowing how to confirm the Aboriginality of job applicants. How could the NSW public service agencies not know how to confirm the Aboriginality of job applicants in 2014? The first administrative definition was introduced in 1973 by the Department of Aboriginal Affairs. This means the definition has been in existence for approximately 41 years from 1973 to 2014. Surely this is enough time for public sector agencies to know how to confirm the Aboriginality of job applicant?

It is clear that racial privilege operates within the construction of the Aborigine (sic) and Aboriginal 'other' in the NSW public service Aboriginal employment policy texts. As Larkin (2013, piii) reveals, Australia is a racial state predicated on white race dominance, which permeates Australian institutions, such as the Australian Public Service, through the systemic production of white race privilege (Goldberg, 2002; Elder, 2007; Moreton-Robinson, 2000 cited in Larkin, 2013. piii). The creation of race relations between white and Aboriginal Australians maintains the white race dominance (Larkin, 2013).

What validates 'Aboriginality' as a genuine occupation qualification?

The perception that 'Aboriginality' is a genuine occupation qualification represents an 'Aboriginal deficit', where Aboriginal and Torres Strait Islander employees do not have the qualifications or capabilities to work in any position across the NSW public sector.

The employment classification 'occupational segregates' Aboriginal people to work in Identified Aboriginal positions and sets a low expectation and belief for the rest of the sector that Aboriginal and Torres Strait Islander people can only work in frontline Identified Aboriginal positions.

Aboriginal people would be seen as inferior to work in 'non-Aboriginal' positions and would be welcomed to work in areas of government where Aboriginal and Torres Strait Islander people comprise a large proportion of the client group (Public Service Board of NSW, 1982, p.26). This reinforces the negative stereotype and generalised view of Aboriginal people not being able to occupy positions that are not classified as Aboriginal Identified positions in the NSW public service because of their 'race'. This perception ignores the individual differences that exist and fails to recognise that Aboriginal and Torres Strait Islander people are different to one another. Many Aboriginal and Torres Strait Islander people may have attained professional qualifications based on the Australian Qualification Framework, across different disciplines and may have the relevant experience and capability to work at any level across any public service agency.

Conclusion

The Problematisation of NSW Government Aboriginal Employment Policy is an analysis of the ‘problematisations’ and ‘problem representations’ contained within the selected key Aboriginal employment policy documents from 1982 to 2014. It is an analysis of the effects of these problematisations on the experiences and professional working lives of many Aboriginal and Torres Strait Islander people involved with the delivery of Aboriginal programs and services with the NSW state government. At present, Aboriginal people represent 2.9% of the total NSW public sector workforce. Of which, the majority work in low level positions across NSW public service agencies.

This thesis has focused on exploring the ‘problematisations’ with the policies in order to uncover the racist assumptions, racist stereotypes, prejudices and racist representations of Aboriginal and Torres Strait Islander people in the NSW public sector. The Problematisation of NSW Government Aboriginal Employment Policy enables us to see the way in which Aboriginal and Torres Strait Islander people working in NSW state government are perceived by the NSW government and public sector agencies from the early 1980’s to present day 2018. The Problematisation of NSW Government Aboriginal Employment Policy provided an understanding of how the NSW public sector frames Aboriginal and Torres Strait Islander employees as an ‘Aboriginal deficit’ or ‘Aboriginal problem’ that requires fixing through policy intervention.

This thesis began by contextualising my experiences of working in Aboriginal Identified Positions, and my involvement working with Aboriginal employment and training policies and programs across the NSW public sector. I relate my experiences working in NSW public sector with my journey undertaking tertiary studies and interest in undertaking research on Aboriginal employment policy and programs. My experiences in Aboriginal Identified Positions included working as an Aboriginal and Torres Strait Islander Cadet for Energy Australia; working as an Elsa Dixon Human Resource Graduate for the Department of Education and Communities (sic); being employed as a Regional Aboriginal Employment Support Officer for the Department of Ageing, Disability and Home Care; moving across into a Principal Project Manager Aboriginal Identified Position for Housing NSW and then working as an Aboriginal Employment Advisor for TAFE NSW.

My experiences working have mainly been across the Sydney, Western Sydney, South West Sydney and Northern Sydney areas and Aboriginal communities. I travelled across NSW visiting many Aboriginal communities and working with geographically dispersed team locate throughout the state, in areas where there is significantly large population distribution of Aboriginal people. My experiences working with Aboriginal programs and services is minor (10 years) compared to those before me who have commenced working in the NSW public sector during the 1970's, 1980's and 1990's.

The creation of 'racialised' Aboriginal employment policies in the NSW public sector has shaped the professional working lives and Aboriginality of many people since the late 1970's to present day. Aboriginality as a construct of 'race' has been used by policy makers and the NSW government to create the 'other', the inferior and less capable Aboriginal staff member. This dominant racial misrepresentation of Aboriginal people appears too often throughout policy. Aboriginal employment policy positions Aboriginal people to be only capable of working in Aboriginal Identified positions and perceived as important for the delivery of services for Aboriginal people.

Other dominant misrepresentation include the racist assumption that Aboriginal people are socially and culturally inferior to non-Aboriginal people; Aboriginal people lack confidence and are not capable to perform in executive roles; Aboriginal people are unable to occupy decision making roles; only capable of working in lower level positions across the public sector. This reoccurring pattern is an emerging trend that has been occurring in the public sector since the early 1980's. The idea that 'racialised' employment for Aboriginal and Torres Strait Islander, where Aboriginal people are employed to assist with service delivery to the Aboriginal community legitimises the government perception and neoliberal framing of the 'Aboriginal problem'. It further supports the increased market demand for Indigenous services and funding provided to agencies with large Aboriginal client groups.

One of the aims of this thesis is to identify further areas that are in need of scholarly research. The research area needs to be broadened to include a critical analysis of commonwealth, state and territory Aboriginal employment policy documents from the 1970s though to present day. Indeed little research has been done on this area of study within the academic literature on the 'racialisation' of employment policy approaches designed to assist the employment of

Aboriginal and Torres Strait Islander people in government services and agencies. For example, the commonwealth previous Indigenous Employment Program and Policy could be selected as a policy for analysis. There are many points in human resources studies, labour market studies, industrial relations, strategic planning and organisational learning and development relating to the experiences of Aboriginal and Torres Strait Islander people and Aboriginal employment policies and programs that are absent from current academic literature.

The history of Aboriginal labour and current debates about the relation of Aboriginal people to the labour and capitalism are largely refuted by non-Aboriginal historians and academics. Research involving Aboriginal and Torres Strait Islander employees who have worked or currently work in government agencies would support the development of an Indigenous knowledge system. Once the knowledge system is developed, it will provide Indigenous histories and knowledge's about employment and working in government agencies. The future shaping of Aboriginal employment policy is dependent on scholarly research, commissioned by Indigenous scholars.

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