There are a number of issues of concern that I have experienced over my 34 years in the APS, however, I will speak to just three key ones that I feel most concerned about as I feel the issues are not resolved and will remain most prominent in my mind. These key issues include; institutional racism, the inadequate recognition for supportive frameworks for Indigenous staff that have a discrete community background and lack of support for managers who have a Whistle-blower complaint against them by staff.

I joined the APS as a Trainee in 1980 and remained in the service for 34 years. I predominantly worked in Indigenous Servicing, the last 10 years of which was as a Region Manager of a remote Indigenous Servicing Hub (as it was called at the time). This hub also included two large national Indigenous specific programs and processing teams. All of the services and programs were totally focused on remote Indigenous customers therefore the positions in the teams were either Identified positions, or Special Measure positions.

The history behind this Indigenous specific footprint and programs was a restructure across the zone; and so a new service model and team was established.  Staffing came with programs. At inception the team consisted of 140 staff with approximately 89% being Aboriginal or Torres Strait Islander. As it happens, some of these staff were related; siblings, cousins or partners for example may have joined the service at different times and who were in different program teams initially, but who now found themselves in the Indigenous hub as programs amalgamated. From an Indigenous insight perspective I had concerns about how these Indigenous relationships would work in the workplace but this was based on the Indigenous cultural perspective and nothing to do with whether people were related or not, particularly since over the 34 years (prior to becoming a manager), I experienced working with many staff who were related both at the senior levels and junior levels, but who happen to be white. So to be concerned about relatives in the workplace was not an issue, as I had never experienced this being an issue previously for white people. Additionally the Indigenous members of the management team were very capable and competent in HR management and in Indigenous affairs and society. When issues arose we managed these according to HR practices but also in a culturally appropriate manner. Natural attrition occurred over time and staffing levels reduced to budget levels. If and when new Indigenous specific programs were implemented, these positions were either Identified or Special Measure; therefore Aboriginal or Torres Strait Islander people were, in most cases, recruited into these positions.

Of the five senior managers in the team, myself and two other managers were Indigenous, and likewise at the team leader level there was a balance of Indigenous and non-Indigenous team leaders. All the Remote Service Centres had local Indigenous staff, an unheard of achievement for this department prior to the existence of the Remote Indigenous hub. Performance was a given and the hub either matched or exceeded zone or national trends. Individual performance management was aligned with the department’s framework. Code of Conduct performance was managed in conjunction with the HR section. The HR section managed recruitment. Indigenous staffing across the hub was highly visible and commented favourably upon by visitors to the sites, including internal and external senior personnel.

However as the old saying goes, more than three Indigenous people is a riot, and apparently, in the case of the Indigenous Servicing hub more than 2% Indigenous staffing equates to nepotism. In 2009 I, and the two senior Indigenous Managers had a Whistle-blower compliant lodged against us for Code of Conduct on the grounds of nepotism. We were cleared of the accusations but it was an emotional and insightful process.

I was given a rather long list of Indigenous staff from across the zone and asked by the investigator to go through the list and state whether I was related to them, likewise my managers had a similar scenario. Many of these staff I never knew or met prior to becoming co-workers. I was asked to account for all the Indigenous staff linked to my home community in terms of whether they were related to me or not. I found this extremely distressing, as I was very conflicted about how to answer. If I answered ‘yes’ I would have been deemed to be guilty of something in the eyes of the white dominant society of the APS, and if I had answered ‘no’ I would have been deemed guilty by the Aboriginal society that I belong to as being a ‘coconut’; a term referring to a ‘pretend Aboriginal’. The difficulty I had is that I belonged to a ‘discrete’ Aboriginal community and even though both my grandparents were ‘stolen’ and sent to this mission and raised in the dormitory as ‘orphans’ with no other immediate family in the community, the members of this ‘mission settlement of stolen children’ are deemed ‘family’ across and down through the generations. So for me to say the staff that happen to come from this ‘mission settlement’ were not family (and even though there is no blood line linkages), placed me in a position that I found (at the time), extremely embarrassing, conflicted, distressing and difficult to explain. As for the APS, this exercise demonstrated for me, in the most acute terms, the lack of understanding of Aboriginal and Torres Strait Islander peoples and society, and more concerning is how racism resides in the subliminal intellect that causes the pursuit of perception over facts. Seeking ‘facts’ should have determined that the starting point of the investigation into nepotism be the ‘selection process’ for each staff named. The fact that some staff were related should not have been the issue as people have a right to apply for jobs, regardless of whether they have relatives in the APS or not. The accusers were not made accountable for incorrectly stating staff as being my relatives, or relatives of the other Indigenous manager, and yet we were confronted with having to accept or deny lineage.

Reading in the report after the fact that a relationship couldn’t be confirmed because the accuser had only ‘heard from someone, who heard from someone, who heard from someone else’ and couldn’t produce direct evidence, should never have been allowed to be part of the investigation, and we the accused, should never have been questioned about it. Heresay is not acceptable and should have been dismissed from the investigation. Hearsay, gossip, is what managers have to manage on a daily basis in any workplace to maintain stability and yet the APS gave it oxygen rather than request facts from the accuser in the first instant and examination of the selection files in the second instant. Additionally, the APS had Tom Calma as its Cultural Advisor, an important and appropriate position, and one in which we, the accused, all supported. However we, the accused, did not have access to Tom Calma or any other cultural consult, which was unfortunate, in that important information may have been given to an Indigenous person to interpret / consult with that may have better informed the process. In seeking to support and understand Indigenous people and staff, I believe the starting point should always be for the APS to ask ‘what if this was a white person?’, eg if a workplace had 20 white staff and there was an accusation that they were related to the manager, would there be a multimillion $ investigation in the first instant or would the accusers be made to deliver facts first, and the selection process be examined?

On the issue of being the subject of a Whistle-blowing complaint, I could not find any information on any APS or government site that would have told me how to defend myself. Mistakenly, I felt that by maintaining silence on the accusers’ performance and code of conduct breaches, that I was upholding the APS ethical standards, however in hindsight, these breaches had an important story to tell. Breaches included; management of low performance, customer harassment breaches, workplace bulling and harassment breaches, APS Code of Conduct in the use of assets and sexual harassment.

I suffered emotionally from this process as did my other Indigenous managers, yet the saddest result of this process was experiencing the very capable and competent junior Indigenous staff questioning their own abilities; some questioning whether they were ‘favoured’ in some way to get their position. Initially I was offended to hear this as it questioned my and my management teams integrity. However I quickly recognized that above all it was important for the Indigenous staff to hear that ‘you won your job on your own merit’. The breakdown of some of the Indigenous staffs’ confidence was hard to watch and took work to rebuild their confidence with some successes and failures; with some staff choosing to leave the service rather than feeling their appointment will always be questioned.

It took a lot of work to convince the department that teams of predominantly Indigenous staff, many from discrete communities, have the ability to work in the APS, let alone manage and perform well; likewise it took a lot to convince the Indigenous people from communities that they can do it. The role models that emerged from this drive to have the majority of Indigenous staff in Indigenous programs remains a milestone yet to be surpassed. Indigenous servicing is no easy task for any department, yet many of the challenges can be overcome by ensuring the right Indigenous staff are included in the right areas of the service. Cultural Awareness is an important L&D for all sectors of the service whether they are delivering Indigenous specific programs or have Indigenous recruits or not; however, most critical is Organisational Cultural Awareness for the Indigenous staff; the learning about the culture of the organization, the culture of the customers, the culture of the team leaders, the culture of the managers etc. The challenge however, is whether the APS has the will to ensure the appropriate frameworks are in place to support Indigenous staff in a genuine way.

On the issue of being the subject of a whistle-blowing complaint; there are tools that one can find to support oneself in instances of APS job applications and of Appeals for promotions; however, there are no ‘tools’ in the APS tool kit that informs the accused on how to defend against claims. Whistle-blowers need to be protected, however if the accused is treated as a defendant in legal terms, then so to should the whistle-blower be made to defend their stories with the truth and facts. Without any understanding of how the process works places the accused in a very vulnerable position not knowing the rules or how to defend oneself.

In summary, over the 34 years as a APS staff member I had worked with many staff who were related, or in relationships and; who happen to be white, and yet I have never experienced any one of them being investigated because of who they were related to, therefore I believe;

* it was racist be investigated for nepotism based on the colour of my skin and not on establishing whether I was involved in the Selection process. People have a right to apply for jobs, regardless of whether they have relatives in the APS, and if they get appointed, they should be protected against bullying and harassment; which questioning their family relationships is.
* that the APS lacks appropriate frameworks to support Indigenous staff that have a discrete community backgrounds.
* that there is a lack of information available to APS staff on how they can defend themselves in the case of a Whistle-blower complaint.