

**Response of the Noongar Child Protection Council (NCPC) to the Closing the Gap
Refresh Consultations of the Australian Government
Department of Prime Minister and Cabinet**

1. Do you have any general comments?

The Noongar Child Protection Council (NCPC) was created to ensure that the rights of all Aboriginal children in Noongar Country are protected and connected to family and culture.

The NCPC has been formed with the support of the WA Department of Communities and support from the WA Council of Social Service.

The Council provides the following response on the questions put forward around how Closing the Gap (CTG) Refresh might best support improved outcomes for Aboriginal people, families and communities.

The NCPC is deeply disappointed about lack of progress on issues impacting the community as highlighted by the non-achievement of CTG targets and lack of progress on implementing other key Aboriginal reforms including the lack of implementation of the outstanding recommendation of the Human Rights and Equal Opportunity Commission in the 'Bringing Them Home' Inquiry into the removal of Aboriginal children from their families.

2. What does Closing the Gap mean to you?

Providing an opportunity to improve the life expectancy and health of Aboriginal and Torres Strait Islander People. An Endeavour to Increase Safety, security and prosperity and an equal opportunity for everyone

3. How can governments, Aboriginal and Torres Strait Islander people, and businesses work more effectively together?

- *What is needed to change the relationship between government and community?*
- *To help close the gap, what is needed to support Indigenous community leadership and decision-making?*

- Ensuring a true commitment to Aboriginal Self-determination, Governance and Reconciliation
- Adopting a human rights framework to underpin all Aboriginal to government relations
- Implementing Cultural and attitudinal change in government and other sectors
- Establishment and support of recognized governance bodies and true consultation based on a negotiated Treaty Framework. It is important that Government recognise the need for Aboriginal people to choose their own democratically chosen representatives to be their voice for consultation, and not those chosen by Government.
- Government commitment to support and resource grass roots democratic process for representation and self determination
- Aboriginal Community Controlled Organisations (ACCO) should be supported for culturally secure and appropriate service delivery that has been designed, developed and delivered for Aboriginal people, by Aboriginal people. This is to include a place base approach that meets the particular needs of that location / community. It is essential to recognise that one size does NOT fit all.
- The Government procurement agenda is weakening the ACCO and causing destructive competition within the community. The fair and equitable support of ACCO (not funding a few "mega" organisations) is essential to ensure the building of capacity of ACCO and effective delivery of specialist services and programs that meet the needs of the community.
- Transparent reporting from services to government and from Government to the Aboriginal community, including recognition and implementation of Indigenous data sovereignty.

How could the Closing the Gap targets better measure what is working and what is not?

- *What has worked well under Closing the Gap?*
- *What has not worked well?*

- By including Aboriginal and Torres Strait Islander (ATSI) people in the process. There needs to be true self determination where Aboriginal services are designed, developed and delivered by Aboriginal people for Aboriginal people. Aboriginal Self-determination is a fundamental human right recognised under international law through the Declaration on the Rights of Indigenous Peoples and the International Covenant on Civil and Political Rights.
- The development of a clear combined Plan for the implementation of the CTG in partnership with the Aboriginal community is required to achieve success against targets.
- An improvement in alignment across State and Federal governments is required, which must trickle down to Funding Agreements, showing program KPI linkages to CTG targets and other shared measures.
- The development of a Template outlining relevant CTG KPIS that go across programs and services whilst allowing project and service specific KPIs to be included.
- Development of negotiated and agreed KPIs between the funding body and the service provider.
- Ensuring a more holistic view of Aboriginal Health and Wellbeing, as outlined in the WA Aboriginal Health and Wellbeing Framework, which is considered fitting the needs of Aboriginal people.
- Whilst Health investment has been substantial and has showed progress, it has not captured indigenous healing, which is seen as an essential foundation for improved outcomes across the board. We note the Mental Health Act (WA) (1996) recognises traditional elders and healing, however, government investment into the recognition of Indigenous healing remains limited.
- Law and Justice, Early Childhood Education and other key indicators neglected in the narrow focus on the CTG targets.
- Ensuring Aboriginal controlled foster care, enabling ACCO to work with Aboriginal families and children. This is the key to success as local ACCO know and respect our community, work in respectful and culturally appropriate ways (including finding connections and appropriate familial care and continuing to work with birth parents) for the benefit of our kids (they are not just names or numbers on a sheet).

4. What indicators should governments focus on to best support the needs and aspirations of Aboriginal and Torres Strait Islander peoples?

- *Should governments focus on indicators such as prosperity, wellbeing or other areas?*
- *What do you think are the most important issues for Aboriginal and Torres Strait Islander Australians, families and communities? Why?*

- Prosperity and wellbeing should be incorporated. Prosperity inequality and economic opportunity should be measured in a comprehensive economic KPI.
- It is important that a holistic view of Aboriginal Health and wellbeing be incorporated. The aim is for happy and healthy families within a framework of cultural safety.
- The inclusion of the Aboriginal community in the development and monitoring of indicators and reporting.

The following highlight an overview of those issues considered most important:

- (i). **Cultural Healing** – the lack of recognition for the importance of healing and funding supports to implement Healing Programs and Healing Centres. Healing is the foundation for everything with other services and supports (such as education, health, housing) wrapping around to provide holistic and more effective outcomes. Requires the healing to be individual, family and community to be effective. Need to recognise the work of the Healing Foundation and support provision of Healing programs across the nation, delivered locally by local ACCO. The recognition of trauma (including inter-generational trauma) is important and the impact this has on

individuals, family and the community and the ability to get support to address this, including those of the stolen generation. Need to recognise that the impact on parenting skills and nurturing as a result.

- (ii). **Ongoing removal of children and associated trauma** – there continues to be an over representation in the removal of Aboriginal children and involvement in the child protection system (with Aboriginal children in WA being more than 17.5 times more likely to be in care compared to a national rate of 9.2 times, representing 55.1% of children in out of home care in WA, despite being only 4.5% of the child population).
- The Council are concerned about the Safety of OUR children and note specific issues of concern around child protection including:
 - Lack of Family Lead Decision Making around the removal of children and decisions about the care and wellbeing of children
 - Not enough investment or engagement by Department for Child Protection and Family Support (DCPFS) to find other safe places within the extended family for the child prior to removal of the child.
 - Lack of communication with the Aboriginal family and community regarding Government Policies and Procedures around child protection issues and the need for information sessions in community to address his.
 - Need for ACCO to lead culturally appropriate assessments for child removal
 - Need to learn from the work undertaken by Victoria and NSW with the 10-year strategy to transition Aboriginal children in OOHC to be case managed by an ACCO, as well as other empowering strategies under this strategy.
 - The urgent need for the appointment of a WA Aboriginal Child Commissioner
- (iii). **Drugs and Alcohol** –these continue to have an impact on every facet of our family and community and have a domino effect across all areas from children attending school, housing, health, housing and so on. Particular concerns include:
- The lack of rehabilitation and other support services to refer them to
 - A need to develop culturally appropriate, holistic solutions that are family centric including the establishment of country rehabilitation centres that work across the entire family and incorporates healing for children and adults, schooling and accommodation
 - Recognition of the growing impact of FASD on children and increasing Methamphetamine use and impacts
 - Recognition that Drugs and Alcohol impacts the whole community, not just the individual and the family.
- (iv). **Health** – these continue to be of concern with only one target on track. The council had concerns that many GPs are not aware of the CTG program which has many benefits to their Aboriginal clients, have excessive and overly bureaucratic registration requirements, and that the lack of take-up/utilisation may cause its cessation. The lack of education within the Aboriginal community regarding the CTG program was also of concern. The use of the Australian Medical Association (AMA) as an educator of GPs in this area was considered.
- (v). **Adult and Juvenile Justice** – Aboriginal people continue to be massively overrepresented in the criminal justice system, with Aboriginal People in WA representing 22% of the prison population compared to a National rate of 27% of the total full-time adult prisoner population whilst only representing 2% of the total population. The Imprisonment rate of Aboriginal women has also increased dramatically to 34 % (an increase of 148%) since the Royal Commission into Aboriginal Deaths in Custody. In addition, approximately 59% of youth (aged 10-17 years) in detention were Indigenous. Particular concerns included the lack of diversionary programs and underlying healing programs

- (vi). **Self Determination and Consultation** – this is considered as a key underlying requirement for improvements in CTG to be achieved. The Council noted that Governments (both State and Federal) continue to make decisions, including Legislation based on what they think would be good for us (the Aboriginal community) with little or no consultation. This perpetuates past Policy where non-Aboriginal people make decisions about Aboriginal people in isolation. The need for self-determination, consultation and governance is essential.
- (vii). **Education** – Continues to remain a significant gap. The Council is concerned that WA State funding decisions such as the cessation of ASSPA's, the AERU, the reduction in over 100 higher level Aboriginal staff in the Education department focused around planning and curriculum development, and the changing role of AIEOs are significant and are determining factors in ongoing poor outcomes for Aboriginal children in education. In addition, the following issues are of concern:
- lack of cultural awareness and understanding within schools
 - the lack of family engagement (supported previously by Aboriginal Student Support Association (ASSPAs) and Aboriginal and Islander Education Officers (AIEOs)
 - inappropriate curriculum including lack of accurate or any Aboriginal history inclusion
 - lack of allied and other school supports such as psychologists and school-based healing
 - lack of a place-based approach.

Increased investment into Early Childhood Education and Care Services for metropolitan, rural and regional areas.

- (viii). **Men's healing and employment** programs (particularly prison to community transition) – that provide support, leadership and guidance and have a holistic focus including parenting and other skills development. This allows for purpose, empowerment and addressing poverty whilst creating community. **Men's empowerment** – it is considered that Aboriginal men have been disempowered and a cultural model to help re-build is required to raise their position within the family and community, build self-esteem, and provide appropriate supports including employment, education and parenting, addressing Domestic Violence (DV) and other skill development. The provision of men's healing spaces is important in this. The provision of many of these services while incarcerated is also seen as important. Aboriginal women and children also require culturally appropriate healing programs, many Aboriginal women have experienced family violence and sexual assault, including children, causing deep psychological emotional and spiritual wounds. Aboriginal women are the fastest growing prison population in Australia, many of the women prisoners are mothers and the lack of access to Aboriginal healing programs contributes to recidivism, often linked to alcohol and drug use which is used as a method of coping with unresolved trauma.
- (ix). **Women's healing and empowerment** programs (particularly prison to community transition as WA has high rates of Aboriginal Women incarceration) – that provide support, leadership and guidance and have a holistic focus including parenting and other skills development. This allows for purpose, empowerment and addressing poverty whilst creating community. **Women's empowerment** – Aboriginal women experience disempowerment through high levels of family violence, sexual assault and experience discrimination concurrently on basis of race and gender. Aboriginal Women have been disempowered and programs provided by ACCO's are essential such as parenting, self-esteem, addressing DV, child sexual abuse and other skill development. This provides the appropriate space for supports including employment, education and healing. The provision of many of these services while incarcerated is also seen as paramount. In the community Aboriginal women and children require culturally appropriate healing programs, many Aboriginal women have experienced family violence and sexual assault, including children, causing deep psychological emotional and spiritual wounds. Aboriginal women are the fastest

growing prison population in Australia, many of the women prisoners are mothers and the lack of access to Aboriginal healing programs contributes to recidivism, often linked to alcohol and drug use which is used as a method of coping with unresolved trauma.

- (x). **Suicide intervention** – this continues to be an alarming issue with a need for intervention programs and ongoing grief and loss support programs for families suffering as a result of suicide.
- (xi). **Place based supports** – recognition that there is a lack of local Aboriginal “resource / support centres”, particularly since the closure of Community Development Employment Programs (CDEP) in many places, resulting in a lack of support for families in a culturally safe way.
- (xii). **Planning and transparency** – lack of shared planning and transparency across Governments and with the Aboriginal community is of concern. A clear combined Plan for the implementation of the CTG in partnership with the Aboriginal community is required to achieve success against targets.

5. Should Aboriginal and Torres Strait Islander culture be incorporated in the Closing the Gap framework? How?

- Yes. Without incorporating this, it is doomed to failure. These issues are fundamental to Human Rights and are included in HR indicators.
- The development and implementation of a Culture and wellbeing framework is key.

6. What do you think are the key targets or commitments that should be measured in a refreshed Closing the Gap agenda?

• *What resources, including data or information, are needed to help communities and develop and drive local action?*

- Reduction in Aboriginal child removal
- Increase in Aboriginal children placed with extended family and compliance with the Aboriginal Child Placement Principle
- Increase in Aboriginal family-based rehabilitation services
- Identification and reduction in FASD
- Increase in Aboriginal funding allocations in ACCO services
- Alignment of State and Federal funding KPI's to CTG targets
- Measures for overall health and wellbeing
- Reduction in representation in adult and juvenile criminal justice system
- Increase in Aboriginal governing and consultative bodies across all jurisdictions
- Increase in Parent engagement in schooling programs
- Greater employment rates (across industries and sectors)
- Reduction in suicide rates
- Implementation report cards against key recommendations (e.g. Bringing them Home, Royal Commissions, United Nations (UN) Human Rights)
- Progress towards State Based Treaty Framework
- Reduction in levels of poverty

Other commitments that should be included in the CTG Refresh include:

- Funding for the development of Healing centres and programs and a Cultural Framework of Healing including acceptance and Implementation of the Healing Foundation report on importance of healing centres
- Ensuring a link between physical health and social and emotional wellbeing is recognised and embedded in policy and program development.
- Ensuring true Aboriginal self-determination through a refocus on the original statement of intent of the CTG which focused on self-determination. A commitment on behalf of State and Federal governments for a new and Just relationship with Aboriginal people and community in true partnership and with a policy of true self-determination, including commitments from all levels of Government to implement Best Practice around Self-Determination and Aboriginal Governance based on the Victorian and South Australian reforms. These must be by Aboriginal people, for Aboriginal people.
- **Targets addressing systemic and institutional racial discrimination and achievements against reconciliation**– There needs to be an Increased commitment to reconciliation including the importance of addressing systemic and institutional bias and discrimination based on fundamental principles of Human Rights, which Australia has agreed to before the United Nations. Targets incorporating inclusion of Aboriginal history and culture in the curriculum, utilisation of State and National Ombudsmen to set and monitor CTG targets and other government commitments concerning Aboriginal people, monitoring and addressing media racism and negative representation.
- **A national review into Aboriginal child removal** as recommended by the Australian Law Reform Commission Inquiry ‘Pathways to Justice. The provision of Aboriginal culturally appropriate educational programs to prevent child sexual assault as called for by the Royal Commission into Institutional Abuse
- **Community sector funding** should be redistributed from governmental department budgets to ACCO’s who are tasked with the delivery of programs and services, in particular the Intensive Family Support Service (IFSS) and In-Home Support Service (IHSS) regarding child protection intervention.
- The Council fully endorse and support the Human Rights report on CTG.
- **Implementation of Bringing them Home report recommendations** across Governments.
- **Justice reinvestment** to address the over-incarceration of Aboriginal men, women and children including addressing the underlying cause of imprisonment (particularly fines and minor offences) and alternatives to incarceration. This must include implementation of the Australian Law Reform – Pathways to Justice report including establishment of an Aboriginal Justice Advisory Council supporting the fundamental principle of Self- Determination.
- **Reduction in Indigenous Family Violence** – including the development of a National Action Plan on Indigenous Family Violence, as recommended by the UN Special Rapporteur on the Rights of Indigenous Peoples and the Special Rapporteur on Violence Against Women. Family violence is a key driver of child removal and improvement of national plans is critical.

We strongly support the approach outlined in SNAICC Submission to the Closing the Gap ‘Refresh’ Process April 2018