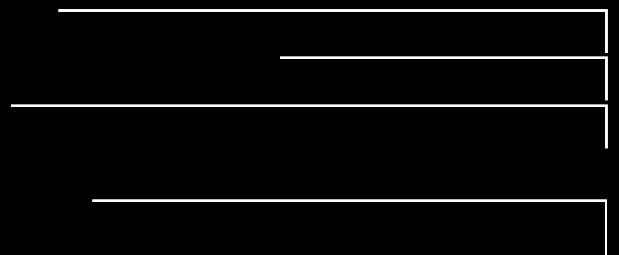




National Congress of Australia's First Peoples

**Submission on the Closing the Gap Refresh
Strategy Discussion Paper**

April 2018



About the National Congress of Australia's First Peoples

The National Congress of Australia's First Peoples is the peak representative body for Aboriginal and Torres Strait Islander peoples. Established in 2010, National Congress has grown steadily and now comprises over 180 organisations and over 9,000 individual members, who elect a board of directors.

National Congress advocates self-determination and the implementation of the United Nations Declaration on the Rights of Indigenous Peoples. National Congress believes that Aboriginal and Torres Strait Islander people must be central in decisions about our lives and communities, and in all areas including our lands, health, education, law, governance and economic empowerment. It promotes respect for our cultures and recognition as the core of the national heritage.

In pursuit of self-determination and rights for Aboriginal and Torres Strait Islander peoples, National Congress' main foci to date have been health, education, land and sea rights, justice and sovereignty. In addition, National Congress has been involved in a range of other issues, including cultural maintenance and development; government relations, including treaty discussions; employment and economic empowerment; housing; family violence; children and youth; disabilities; and governance and leadership.

Since being established, National Congress has actively sought to ensure that the voices of Aboriginal and Torres Strait Islander peoples are heard both domestically and internationally. We have been represented at the meetings of several international bodies, including the UN Permanent Forum on the Rights of Indigenous Peoples, the UN Human Rights Council and the Commonwealth Peoples Forum. Domestically, we have led the creation of the Redfern Statement, which calls upon the Australian Government to work alongside Aboriginal and Torres Strait Islander peoples in order to develop lasting policy solutions. We have also been involved in Closing the Gap Roundtable Consultations, the Closing the Gap Campaign and in providing advice and critique to governments regarding key policy decisions relating to Aboriginal and Torres Strait Islander affairs.

Foreword

The National Congress of Australia's First Peoples welcomes this opportunity to contribute to the Closing the Gap Refresh Strategy.

The Closing the Gap Refresh Strategy presents the Australian Government with an important opportunity to take into account the lessons learnt from the past decade and to implement effective policy frameworks which will actually combat the disadvantages which Aboriginal and Torres Strait Islander peoples across Australia face.

It is an opportunity which the Australian Government must use to its fullest. The price for failing to do so is simply too high. While we make up an estimated 3% of Australia's population, we account for 27% of its prison population, and 55% of all youth in incarceration. Our children continue to be denied access to culturally appropriate and effective education, which prevents them from flourishing later on in life. Our families continue to be torn apart by the failure of governments to provide them with the support which they require to develop and grow, and by systemic discrimination and family violence leading to child removals. Indeed, it appears as if Australia is veering towards the creation of another Stolen Generation.

The Australian Government's failure to meet many of the targets set by the current Closing the Gap Framework must not be used as an excuse to abandon them, or to lower expectations. Rather, the lessons learnt from the past decade must be used to re-evaluate government policies, and to ensure that mistakes made in the past are not repeated in the future.

We reiterate the central message of the Redfern Statement: we, Australia's First Peoples, have the solutions. We must be given the opportunity and resources to combat the disadvantages which we face. The principle of self-determination must be central to any refreshed Closing the Gap Strategy, not only in a symbolic sense, but also because it is crucial to ensuring that any services which are provided are culturally appropriate, tailored to the needs of individual communities, and relevant to our peoples' lives. The Australian Government must ensure that Aboriginal and Torres Strait Islander peoples, communities and leaders are involved at every stage of the decision-making process.

In short, National Congress is thankful for the opportunity to collaborate and contribute to the Closing the Gap Refresh process. We hope that the voices of Aboriginal and Torres Strait Islander peoples have and will continue to be heard, and that the Australian Government will commit to working with us, our communities and our organisations.

List of Recommendations

Recommendation 1:

Implement the following targets as a means of addressing disproportionate rates of Aboriginal and Torres Strait Islander adult and juvenile incarceration:

- Close the gap in rates of imprisonment between Aboriginal and Torres Strait Islander people and non-Indigenous people by 2040, with an interim target of halving the gap by 2030
- Close the gap in rates of juvenile incarceration between Aboriginal and Torres Strait Islander people and non-Indigenous people by 2040, with an interim target of halving the gap by 2030

Recommendation 2:

Implement the following targets in order to remedy the violence experienced by Aboriginal and Torres Strait Islander people and their families:

- Close the gap in rates of violence, and in particular rates of family violence, experienced by Aboriginal and Torres Strait Islander people and non-Indigenous people by 2040

Recommendation 3:

Implement the following targets in order to reduce the rate of child removals in Aboriginal and Torres Strait Islander communities:

- Close the gap between the proportion of Aboriginal and Torres Strait Islander children and non-Indigenous children who are the subject of substantiated reports of harm or risk of harm by 2030
- Close the gap between the proportion of Aboriginal and Torres Strait Islander children and non-Indigenous living in out-of-home care by 2030

In addition, introduce a Commissioner for Aboriginal and Torres Strait Islander children in each Australian jurisdiction to promote greater accountability and to promote direct and culturally appropriate action to address increasing rates of child removals in Aboriginal and Torres Strait Islander communities.

Recommendation 4

Implement the following targets in order to ensure that Aboriginal and Torres Strait Islander people have safe and secure homes:

- Close the gap between the proportion of Aboriginal and Torres Strait Islander people and non-Indigenous people living in overcrowded housing by 2040
- Close the gap in rates of homelessness experienced by Aboriginal and Torres Strait Islander people and non-Indigenous people by 2040

Recommendation 5

Ensure that data collected under the refreshed Closing the Gap Strategy adequately account for and articulate:

- The underlying causes of broader social issues such as low life expectancy and poor educational outcomes
- The comparative effectiveness of different policies and strategies
- Disparities between Aboriginal and Torres Strait Islander men and women and gender non-conforming people
- Disparities between Aboriginal and Torres Strait Islander people living in rural and remote communities, and those living in urban areas

Recommendation 6

The Australian Government should work with the Redfern Statement Alliance Leadership Group to negotiate ongoing governance and accountability mechanisms, and use the principles outlined above as guidance for future relations with Aboriginal and Torres Strait Islander communities, leaders and organisations.

1. Lessons learnt from the current Closing the Gap Framework

The Closing the Gap Strategy must deal more specifically with the challenges which Aboriginal and Torres Strait Islander peoples face

The current Closing the Gap does not adequately account for the social, cultural and economic needs of Aboriginal and Torres Strait Islander communities. The cautious optimism surrounding the release of the 2018 Closing the Gap Report – which claimed that three targets were “on track” compared to only one in 2017 – disguises the fact that a decade since the inception of this program, little progress has been made towards improving the wellbeing of Aboriginal and Torres Strait Islander peoples.

There remains a dire need for greater government accountability, even where targets are nominally on track. Although Aboriginal and Torres Strait Islander child mortality rates have declined by 14% since 2008, there has been no significant narrowing of the gap between Indigenous and non-Indigenous child mortality rates within the past decade.¹ Similarly, although 91% of Aboriginal and Torres Strait Islander four-year-olds are now enrolled in early childhood education, just 65% attend for the 600 hours per year recommended by the Australian Government’s own National Quality Framework for Early Childhood Education and Care, compared to 77% of non-Indigenous children – a gap of 12%.² The Closing the Gap Report must not be used as an excuse for government complacency. A focus on the actual wellbeing of our peoples instead of surface-level outcomes is sorely needed.

National Congress is further dismayed by the enormous disparities which exist between Aboriginal and Torres Strait Islander people living in remote and regional communities and those living in major cities. The Aboriginal and Torres Strait Islander child mortality rate, for instance, is 339.2 per 100,000 in the Northern Territory, more than four times the national average for non-Indigenous children.³ Similarly, there is a 46.8% gap in the proportion of Indigenous and non-Indigenous children attending school 90% or more of the time in very remote areas.⁴ We stress that a myopic focus on national statistics has led to a failure to account for the particular needs of Aboriginal and Torres Strait Islander peoples living in remote and regional communities. Local solutions, based on the expertise and experiences of community members, must play a greater role in the refreshed Closing the Gap Strategy.

Greater co-operation is needed between state, territory and federal governments

¹ Department of the Prime Minister and Cabinet, *Closing the Gap: Prime Minister’s Report 2018* (2018), 105.

² ACARA, *Student Attendance Dataset* (2017).

³ AIHW, *Aboriginal and Torres Strait Islander Health Performance Framework Report 2017, dataset 1-20 (Infant and Child Mortality)* (2017).

⁴ *Ibid.*

When it was initially introduced, the Closing the Gap Strategy was envisaged as a national strategy which would require significant co-operation between state, territory and federal governments for proper implementation. In delivering the first Closing the Gap Report in 2009, then-Prime Minister Kevin Rudd remarked, “if we are to deliver on our nation’s commitment to close the gap, we will need an unprecedented level of co-operation and co-ordination between Commonwealth and State and Territory governments.” A decade on, it is clear that the Closing the Gap Strategy has not received nearly the amount it requires to have the desired positive impact.

National Congress stresses that the result of a lack of co-operation and investment is not only a failure to achieve the Closing the Gap targets, but the continuation of the disadvantage experienced by Aboriginal and Torres Strait Islander communities. We note that a significant proportion of the National Partnership Agreements and co-ordinating frameworks established to co-ordinate policy and action between state, territory and federal governments were either allowed to lapse or defunded. The National Partnership Agreement on Indigenous Early Childhood Development, for instance, lapsed in 2013 following the change in government, despite a previous funding commitment of over \$700 million over 3 years. Other agreements, such as the National Partnership Agreement on Remote Service Delivery, were subsumed under broader programs such as the Indigenous Advancement Strategy, removing the ability for state and territory governments to meaningfully contribute to decision-making and service delivery implementation. This was further exacerbated by the closure of the COAG Reform Council and the lapsing of the Overarching Bilateral Indigenous Plan, which had been crucial in ensuring that co-ordination and action on Aboriginal and Torres Strait Islander policies were sustained.

Aboriginal and Torres Strait Islander-controlled organisations must receive proper funding

National Congress stresses that the Australian Government’s failure to provide sufficient needs-based support to Aboriginal and Torres Strait Islander-controlled organisations has contributed significantly to the lack of progress towards meeting the Closing the Gap targets. Empowering our organisations to take responsibility for service delivery, community development and policy implementation provides many important benefits to our communities. Aboriginal and Torres Strait Islander-controlled organisations are far better equipped to deliver services in a manner that is culturally safe and appropriate, and which accounts for the individual circumstances of our communities instead of viewing their needs as homogenous. Furthermore, they are far more likely to work with our communities and hire local individuals, breeding a sense of empowerment, trust and understanding of government policies. Indeed, ensuring that Aboriginal and Torres Strait Islander peoples are given the opportunity to take charge of our own affairs contributes to a sense of self-determination, allowing our peoples to make valuable contributions to our own, our families and our communities’ wellbeing and sustainability.

National Congress notes that over time the Indigenous Expenditure Reports prepared by the Productivity Commission have become a source of widespread consternation amongst Aboriginal and Torres Strait Islander leaders and communities. Of the \$33.4 billion reported as “Indigenous expenditure” in the 2017 Report, only \$6 billion was

actually directed towards Aboriginal and Torres Strait Islander-specific programs, with the remainder being directed towards mainstream services and programs. Of that \$6 billion, a further \$1.2 billion was allocated through the Indigenous Advancement Strategy, a supplementary program which has systematically disadvantaged Aboriginal and Torres Strait Islander organisations and individuals through funding and job losses.

National Congress notes that the Indigenous Expenditure Report, prepared by the Productivity Commission, is a source of widespread consternation amongst Aboriginal and Torres Strait Islander leaders, communities and organisations. Of the \$33.4 billion reported as “Indigenous expenditure” in the 2017 Report, only \$6 billion was actually directed towards Aboriginal and Torres Strait Islander-specific programs, with the remainder being directed towards mainstream programs.⁵ Of that \$6 billion, a further \$1.2 billion was allocated through the Indigenous Advancement Strategy, a program which has systematically disadvantaged Aboriginal and Torres Strait Islander-controlled organisations.

Despite repeated calls for reform from the Redfern Statement Alliance, and the recommendations made by the 2016 Senate Inquiry into Commonwealth Indigenous Advancement Strategy Tendering Processes and the Australian National Audit Office, the Australian Government has persisted with the mainstreaming of funding allocation for services under the Indigenous Advancement Strategy. The competitive tendering process implemented under the IAS significantly disadvantages Aboriginal and Torres Strait Islander community-controlled organisations, many of which are small and poorly resourced and therefore incapable of engaging in the complex and time-consuming process of completing funding applications and abiding by regulatory requirements. Furthermore, the Australian Government’s focus on reducing expenses by, for instance, granting funds to mainstream organisations claiming to offer economies of scale frequently ignores the unique advantages of engaging Aboriginal and Torres Strait Islander community-controlled organisations. This has been exacerbated by the fact that assessments are generally made by non-Indigenous assessors who frequently possess an aversion to non-mainstream strategies which they perceive to be “risky”.

National Congress stresses that the benefits offered by Aboriginal and Torres Strait Islander community-controlled organisations, such as community engagement, cultural competence and safety and the ability to engage local expertise and knowledge cannot be quantified in monetary terms, and must be taken into account. Mainstream organisations frequently lack the capacity, knowledge and cultural competence required to effectively deliver services to our communities. Furthermore, many organisations lack specific knowledge about the particular social and cultural requirements of our communities, leading to a lack of trust and unwillingness amongst our peoples to engage with vital services such as medical care and education. Indeed, many non-Indigenous organisations operate on a “fly-in fly-out” basis, failing to work with our communities to build local capability and lasting relationships.

In contrast, Aboriginal and Torres Strait Islander community-controlled organisations work with our peoples, engaging elders and communities at all stages of the decision-

⁵ Productivity Commission, *Indigenous Expenditure Report* (2017), Table 3.1.

making process and hiring locals in order to build expertise and competence within communities so that they do not have to remain dependent on governments. Ensuring that our organisations are properly resourced and supported must form a vital part of any refreshed Closing the Gap Strategy.

2. Implementing new targets to refresh the Closing the Gap Strategy

Discussion Question:

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

Refreshing the current Closing the Gap targets

The current Closing the Gap targets relating to health, education and employment must be maintained and updated to reflect the new timeframe of the refreshed Closing the Gap Strategy. National Congress stresses that the fact that there has been a lack of meaningful monitoring on progress on many of these areas, particularly with respect to life expectancy and educational outcomes, must not be used as an excuse to abandon them or to lower expectations. If anything, a lack of progress indicates the urgency with which the Australian Government must act to work with state and territory governments and First Peoples to close the gap between Aboriginal and Torres Strait Islander peoples, by working with our communities and organisations and ensuring that reformed policy solutions are properly executed.

Addressing skyrocketing rates of Aboriginal and Torres Strait Islander incarceration

Aboriginal and Torres Strait Islander peoples are one of the most incarcerated peoples in the world. Despite making up under 3% of the Australian population, our peoples now account for 27% of the Australian prison population, and 55% of juveniles in incarceration.⁶

Justice is frequently raised as a key concern during community consultations due to the devastating effect which over-incarceration has upon our families and communities. National Congress notes that imprisonment frequently worsens disadvantages which Aboriginal and Torres Strait Islander peoples might otherwise be able to overcome. Many who are incarcerated due to unpaid fines, for instance, are discouraged from pursuing vocational training or entering or re-entering the workforce following their release, only further entrenching their economic disempowerment. Furthermore, imprisonment frequently results in a deterioration of connections to family and community, leading to a sense of isolation and a loss of investment in community wellbeing.

Aboriginal and Torres Strait Islander peoples are disproportionately incarcerated due to barriers to justice and a lack of effective support. Due to a lack of funding, Aboriginal legal services are largely only offered with respect to criminal matters, and many of

⁶ ABS, *Prisoners in Australia 2017* (4517.0).

our peoples are turned away due to capacity limitations. Where mainstream legal aid services are provided, they are often culturally inappropriate due to a lack of adequate funding and training, meaning that their value to our peoples is compromised. This, in combination with the prevalence of inappropriate police responses, frequently leads to Aboriginal and Torres Strait Islander peoples receiving unduly harsh punishments or unnecessary custodial sentences.

In order to reduce skyrocketing rates of Aboriginal and Torres Strait Islander incarceration, National Congress advocates significant investment in Aboriginal and Torres Strait Islander-controlled legal services, justice reinvestment schemes which seek to prevent crime before it occurs, community outreach programs and cultural competence training for law enforcement officers. We stress that these measures, as well as other measures negotiated with First Peoples, must be implemented as the core of a co-ordinated strategy to meet the following targets:

- Close the gap in rates of imprisonment between Aboriginal and Torres Strait Islander people and non-Indigenous people by 2040, with an interim target of halving the gap by 2030
- Close the gap in rates of juvenile incarceration between Aboriginal and Torres Strait Islander people and non-Indigenous people by 2040, with an interim target of halving the gap by 2030

Recommendation 1:

Implement the following targets as a means of addressing disproportionate rates of Aboriginal and Torres Strait Islander adult and juvenile incarceration:

- Close the gap in rates of imprisonment between Aboriginal and Torres Strait Islander people and non-Indigenous people by 2040, with an interim target of halving the gap by 2030
- Close the gap in rates of juvenile incarceration between Aboriginal and Torres Strait Islander people and non-Indigenous people by 2040, with an interim target of halving the gap by 2030

Remedying the violence experienced by Aboriginal and Torres Strait Islander people and their families

Aboriginal and Torres Strait Islander women are 32 times more likely to be hospitalised as a result of family violence and 10 times more likely to die of violent assault than non-Indigenous women.⁷ National Congress stresses that family violence is frequently caused by the broader sense of disempowerment and hopelessness that many Aboriginal and Torres Strait Islander people feel. An inability to participate in the economy due to lack of education and skills, as well as a lack of health services for

⁷ AIHW, *Family violence prevention programs in Indigenous Communities* (Closing the Gap Clearinghouse Resource Sheet No. 37), 5.

vulnerable individuals serve as significant barriers to the formation of healthy, thriving familial relationships.

The lack of resources for individuals experiencing family violence or other difficulties is alarming, and requires urgent action. A significant investment must be made in community outreach programs to ensure that Aboriginal and Torres Strait Islander people are sufficiently aware of their rights and responsibilities. Furthermore, Aboriginal and Torres Strait Islander-controlled legal services, and in particular those specialising in the prevention of family violence, must be properly resourced in order to ensure that those seeking help are not turned away due to capacity limitations. Other programs, such as the early identification of and intervention in familial relationships at risk of becoming violent, can help to prevent the deterioration of those relationships, and ensure that support is provided to families as a unit instead of as separate individuals.

National Congress stresses that these initiatives, as well as others to be negotiated with Aboriginal and Torres Strait Islander peoples, must be implemented as a means of meeting a new target with respect to family violence, namely:

- Close the gap in rates of violence, and in particular rates of family violence, experienced by Aboriginal and Torres Strait Islander people and non-Indigenous people by 2040

Recommendation 2:

Implement the following targets in order to remedy the violence experienced by Aboriginal and Torres Strait Islander people and their families:

- Close the gap in rates of violence, and in particular rates of family violence, experienced by Aboriginal and Torres Strait Islander people and non-Indigenous people by 2040

Taking urgent action to prevent the removal of Aboriginal and Torres Strait Islander children from their families and communities

The removal of children from their families is threatening to create another Stolen Generation in Australia. Aboriginal and Torres Strait Islander children are 6.9 times more likely to be the subject of substantiated reports of harm or risk of harm, and 9.8 times more likely to be living in out of home care than non-Indigenous children.⁸ In 2016, around 17,000 Aboriginal and Torres Strait Islander children were living in out

⁸ AIFS, *Child protection and Aboriginal and Torres Strait Islander Children* (2017), available online at <https://aifs.gov.au/cfca/publications/child-protection-and-aboriginal-and-torres-strait-islander-children>.

of home care, an increase of over 500% from when the *Bringing Them Home* report was released two decades ago.⁹

In addition to the trauma caused by family violence and incarceration discussed above, the removal of our children from their families is frequently caused by state, territory and federal governments' failure to support effective early intervention programs. To date, interventions have been primarily reactive, involving the removal of children after they have been reported to police or child protection services. This punitive approach does nothing to improve the lives of Aboriginal and Torres Strait Islander people, whose familial relationships are strained by social, economic and cultural disempowerment, and are frequently unaware of their legal rights and responsibilities.

National Congress stresses that urgent action to strengthen Aboriginal and Torres Strait Islander families and build lasting, thriving relationships. Early intervention programs, which identify at-risk parents and offer counselling, health and legal services to those parents, are an effective means to ensure that vulnerable individuals receive the support they need before their circumstances deteriorate. Furthermore, the introduction of a Commissioner for Aboriginal and Torres Strait Islander Children in each jurisdiction would promote improved accountability and to promote direct and culturally appropriate action to address the rate of child removals in our communities.

In order to monitor progress and the impacts of these policies, National Congress recommends the implementation of the following targets:

- Close the gap between the proportion of Aboriginal and Torres Strait Islander children and non-Indigenous children who are the subject of substantiated reports of harm or risk of harm by 2030
- Close the gap between the proportion of Aboriginal and Torres Strait Islander children and non-Indigenous living in out-of-home care by 2030.

Recommendation 3:

Implement the following targets in order to reduce the rate of child removals in Aboriginal and Torres Strait Islander communities:

- Close the gap between the proportion of Aboriginal and Torres Strait Islander children and non-Indigenous children who are the subject of substantiated reports of harm or risk of harm by 2030
- Close the gap between the proportion of Aboriginal and Torres Strait Islander children and non-Indigenous living in out-of-home care by 2030

In addition, introduce a Commissioner for Aboriginal and Torres Strait Islander children in each Australian jurisdiction to promote greater accountability and to promote direct and culturally appropriate action to address increasing rates of child removals in Aboriginal and Torres Strait Islander communities.

⁹ Analysis, Census data 1996 and 2016.

Providing safe and secure housing to Aboriginal and Torres Strait Islander people

Aboriginal and Torres Strait Islander people are just less than three times more likely than non-Indigenous people to live in housing which does not meet the international standard for overcrowding.¹⁰ Alarming, the proportion of individuals living in such housing in remote areas is 38%, which is significantly higher than the national figure of 10.4%.¹¹ Much of the accommodating provided to Aboriginal and Torres Strait Islander people is also barely fit for habitation, with reports of dilapidated housing, insect infestations and lack of utilities being common.

Access to safe and secure housing is a fundamental right which is central to the ability of Aboriginal and Torres Strait Islander people to exercise self-determination and independence. Living in overcrowded housing with little to no privacy frequently breeds interpersonal tension, potentially leading to an increased risk of family challenges. Furthermore, poor housing conditions frequently contribute to the development and exacerbation of mental health conditions, and feelings of forced poverty, worthlessness or hopelessness. Overcrowded housing also has a significant impact on educational attainment and physical health, for example, in relation to control of infectious diseases.

Ensuring that Aboriginal and Torres Strait Islander people have access to safe and secure housing is vital to ensuring that they have the ability and opportunity to exercise independence and improve their lives. We note that this will require not only a substantial infrastructure investment, but also outreach programs to ensure that there is substantial community buy-in and investment in overseeing and maintaining new housing developments.

As such, National Congress supports the implementation of the following targets:

- Close the gap between the proportion of Aboriginal and Torres Strait Islander people and non-Indigenous people living in overcrowded housing by 2040
- Close the gap in rates of homelessness experienced by Aboriginal and Torres Strait Islander people and non-Indigenous people by 2040

Recommendation 4

Implement the following targets in order to ensure that Aboriginal and Torres Strait Islander people have safe and secure homes:

- Close the gap between the proportion of Aboriginal and Torres Strait Islander people and non-Indigenous people living in overcrowded housing by 2040
- Close the gap in rates of homelessness experienced by Aboriginal and Torres Strait Islander people and non-Indigenous people by 2040

¹⁰ ABS, "Housing," *NATSISS 2014-15* (4714.0).

¹¹ *Ibid.*

Ensuring that more specific data is collected so that progress can be more effectively monitored

Discussion Question:

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

As detailed above, the Closing the Gap Strategy has been hampered by a failure to address and act on the differing needs of Aboriginal and Torres Strait Islander peoples based on factors such as gender and remoteness. More generally, however, National Congress notes that there has been a lack of focus on sub-targets and indicators which frequently determine whether or not the main Closing the Gap targets will be on track. As such, we suggest that the Australian Government ensure that adequate attention is given to the underlying causes of community and family challenges, so that the impacts of policies can be more accurately monitored and evaluated. Furthermore, sub-targets and indicators should be used to monitor whether policies which have been implemented are actually working, and to shift resources towards strategies which have proven to be effective (such as justice reinvestment, early intervention for at-risk families, and so on).

Aboriginal and Torres Strait Islander women's specific needs, experiences and voices have long been ignored or devalued by policy makers. A specific focus upon the experiences of Aboriginal and Torres Strait Islander women, particularly with respect to new targets on issues such as incarceration and family violence, is required to ensure that their perspectives and requirements are adequately accounted for. For instance, women are disproportionately impacted by family violence and the removal of children, and face unique challenges due to their intersectional experiences of intergenerational trauma, racism and gender discrimination. National Congress stresses that gendered data analysis must form a core part of the refreshed Closing the Gap Strategy to ensure that progress is being made for all Aboriginal and Torres Strait Islander peoples, families and communities.

Furthermore, National Congress stresses that even where progress has been made towards redressing our disadvantage, the benefits of that progress have often remained unfelt by remote and very remote communities. We note that there exist substantial gaps in indicators such as school attendance rates and life expectancy between Aboriginal and Torres Strait Islander peoples living in remote communities and those living in urban areas. Remote communities face unique challenges which must be accounted for: their remoteness means that access to services and even essential utilities is often severely limited, and that economic opportunities are frequently scarce. These challenges must be identified and overcome with the help of specific analysis of policy outcomes in remote and rural communities.

Recommendation 5

Ensure that data collected under the refreshed Closing the Gap Strategy adequately account for and articulate:

- The underlying causes of broader social issues such as low life expectancy and poor educational outcomes
- The comparative effectiveness of different policies and strategies
- Disparities between Aboriginal and Torres Strait Islander men and women and gender non-conforming people
- Disparities between Aboriginal and Torres Strait Islander people living in rural and remote communities, and those living in urban areas

3. Aboriginal and Torres Strait Islander self-determination must play a central role in the refreshed Closing the Gap strategy

Discussion Question:

How can governments, Aboriginal and Torres Strait Islander Peoples, and businesses work more effectively together? What is needed to change the relationship between government and community?

The Australian Government cannot expect to make meaningful progress towards addressing Aboriginal and Torres Strait Islander disadvantage if it does not enable our self-determination, does not listen to our peoples, communities and leaders, and does not properly resource and support our organisations.

The refreshed Closing the Gap Strategy must be centred around Aboriginal and Torres Strait Islander self-determination and self-empowerment. Self-determination is the guiding principle of both the UN Declaration on the Rights of Indigenous Peoples, to which Australia is a signatory, and the Special Gathering Statement recently made to COAG regarding the Closing the Gap Refresh Strategy. Aboriginal and Torres Strait Islander people have called for our right to self-determination to be restored, notably through the Redfern Statement and Statement from the Heart. It is high time that the government heeded these calls and made genuine steps towards engaging with our communities.

National Congress calls upon the government to abide by the following principles in its enactment of policy relating to Aboriginal and Torres Strait Islander affairs and in its relationship with our communities:

- Aboriginal and Torres Strait Islander peoples, communities, leaders and organisations must be actively involved at every stage of the decision-making process about matters that relate to Aboriginal and Torres Strait Islander affairs
- Aboriginal and Torres Strait Islander Community Controlled Organisations must be properly resourced and supported so that they are able to meet the needs and demand of the communities which they serve
- Flexible and non-competitive funding models must be introduced to ensure that the cultural and social benefits which Aboriginal and Torres Strait Islander Community Controlled Organisations provide are properly accounted for, and to facilitate co-operation and sharing of expertise across sectors
- Aboriginal and Torres Strait Islander Community Controlled Organisations must be the preferred service providers for Aboriginal and Torres Strait Islander communities due to their unique ability to provide culturally safe and appropriate services and responsiveness to the circumstances of individual people and communities
- The Australian Government must accept that punitive approaches to issues such as family violence and law enforcement are neither effective nor

appropriate, and must focus upon approaches which prioritise early intervention, prevention, and support for vulnerable people.

- The Australian Government must implement its international obligations to enable the self-determination of Aboriginal and Torres Strait Islander peoples under the UN Declaration on the Rights of Indigenous Peoples, and meet the expectations set by its position on the Human Rights Council and by the Sustainable Development Goals

Facilitating national co-operation between governments and Aboriginal and Torres Strait Islander peak organisations

The success of the refreshed Closing the Gap Strategy will be dependent upon the ability of state, territory and federal governments to work in genuine collaboration with Aboriginal and Torres Strait Islander peoples, communities and organisations. As an alliance of national peak Aboriginal and Torres Strait Islander organisations across a diverse range of sectors, the Redfern Statement Alliance Leadership Group is best placed to facilitate communication and co-operation between our peoples and governments, and to oversee the implementation of solutions-based responses to the challenges which our peoples face. Co-operation is vital, since it will allow governments to be responsive to the needs of our communities, and to ensure that proper accountability mechanisms are in place to monitor the implementation of policies.

Recommendation 6

The Australian Government should work with the Redfern Statement Alliance Leadership Group to negotiate ongoing governance and accountability mechanisms, and use the principles outlined above as guidance for future relations with Aboriginal and Torres Strait Islander communities, leaders and organisations.

Recognising and valuing the importance of Aboriginal and Torres Strait Islander cultures

Discussion Question:

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

To achieve its goals, the delivery of culturally safe and appropriate services to Aboriginal and Torres Strait Islander communities must be one of the main priorities of the refreshed Closing the Gap Strategy. Cultural competence and the elimination of systemic racism and discrimination are crucial aspects for reducing disadvantage and meeting the refreshed targets: they ensure that there is trust between communities and service providers, that individuals are willing to seek out services when they

require them, and that local expertise and independence from government can be gradually built.

However, National Congress stresses that the Australian Government must navigate the fine line between acknowledging the importance and value of our cultures and attempting to “set an agenda” regarding them. Aboriginal and Torres Strait Islander cultures must be managed and shaped by Aboriginal and Torres Strait Islander people and communities. This will increase the likelihood of success. It would be inappropriate for the Australian Government to attempt to direct cultural development. Instead, appropriate resources and funding must be allocated to our organisations, which will enable their capacity to promote the growth and preservation of our cultures, and their integration into effective service delivery.

4. Ensuring the success of the refreshed Closing the Gap Strategy

Discussion Question:

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?

Economic prosperity is an inappropriate guiding principle for the refreshed Closing the Gap Strategy

National Congress respectfully submits that the focus upon economic prosperity in the *Closing the Gap Refresh Discussion Paper* is misguided. Certainly, providing Aboriginal and Torres Strait Islander peoples with the ability to determine our own economic futures is an important aspect of addressing disadvantage and enabling equity. However, it is merely *one* aspect, and should not serve as an overarching focus for government policy.

The Australian Government's line of thinking appears to be that greater economic prosperity will allow Aboriginal and Torres Strait Islander peoples to exercise greater choice between service providers in the short term, and increased self-reliance in the long-term. The first of these purported benefits misunderstands the characteristics of services offered to our peoples and communities at present. In remote areas, for instance, there is frequently only one service provider, meaning that there are frequently no other options in terms of access to quality healthcare, education and other services. Furthermore, even in urban areas, the service providers which have access to government funding are most often mainstream organisations, which lack the cultural competence and local knowledge required to effectively resolve the issues which Aboriginal and Torres Strait Islander peoples encounter. Therefore, even if greater economic prosperity may nominally offer greater choice and flexibility, in reality, our preferred choices are often still ignored or restricted. National Congress submits that it would be far more effective to expand funding for Aboriginal and Torres Strait Islander-controlled organisations, such that a greater diversity of culturally safe, effective and appropriate services can be offered.

With respect to the need to enable Aboriginal and Torres Strait Islander communities to develop independence from governments, National Congress submits that such an approach may be inappropriate for remote communities where economic opportunities are scarce. We stress that such communities require long-term investment, in activities which build local capacity and expertise in key areas such as health and education, as well as culturally appropriate economic and social activities, in order to be self-sustaining. It is unreasonable to expect that so-called economic stimulus in the form of work for the dole schemes and forms of employment with little to no relevance to Aboriginal and Torres Strait Islander peoples' lives will be sufficient to meet the needs of remote and rural communities.

Implementing frameworks to ensure that the commitment to Closing the Gap is fulfilled

National Congress asserts that instead of relying solely broad indicators such as “prosperity” and “wellbeing,” which frequently lack specific meanings and are difficult to monitor, the Australian Government must focus on developing policy frameworks which define specific sub-targets which policies should aim to fulfil, and which provide indicators according to which progress can be monitored. By determining which policies and strategies are effective, and which are not, the Australian Government can, in collaboration with First Peoples, more accurately determine which programs should receive funding and resources. Furthermore, the lessons learnt from past successes and failures can serve as valuable guidance for the formation of future policy proposals.

Too often, both historically and in the present day, policy frameworks have been developed with broad, overarching aims such as the improvement of health outcomes or of economic prosperity. However, such frameworks lack specificity, with regards to both the needs which they aim to address and the ways in which they propose to address them. Instead, National Congress asserts that the Australian Government must ensure that any future policies specifically identify the underlying causes and different aspects of the social issues which they intend to address. These aspects may be used to both shape the specific sub-targets of the policy, and to define indicators which may be used to monitor and measure where the policy is succeeding, and where further improvement is needed.