



***The NSW Aboriginal Land Council's submission
on the Closing the Gap Refresh***

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Executive Summary

This submission details the response of the New South Wales Aboriginal Land Council (**NSWALC**) to the Closing the Gap refresh. NSWALC submits that the Closing the Gap refresh must take into account the following key recommendations:

- ❖ 1. Government should avoid using deficit language and adopt a genuine ‘strengths based approach’ that acknowledges the inherent strengths and resilience of Aboriginal peoples and implements the United Nations Declaration on the Rights of Indigenous peoples.
- ❖ 2. Measuring Aboriginal people’s social and economic outcomes in relation to non-Aboriginal outcomes is a deficit based model that constrains policy thinking to relative rather than optimal gains and should be avoided. The ‘Closing the Gap Refresh’ should consider other jurisdiction’s approaches and learn from these.
- ❖ 3. Government should adopt genuine consultation processes that align with the principles of free, prior and informed consent in the United Nations Declaration on the Rights of Indigenous Peoples and which recognise Aboriginal peoples’ rights as First Nations peoples.
- ❖ 4. Structural impediments to ‘prosperity’ must be accounted for and addressed in any future policy frameworks. Aboriginal peoples must also determine how Aboriginal cultures are included in any future frameworks through a genuine consultation process that enables Aboriginal peoples to set the targets and framework for measuring improvements.
- ❖ 5. NSWALC recommends that both the NSW and Federal Governments commit to a process whereby treaties that recognise and give practical effect to the inherent sovereignty of Aboriginal peoples are entered into. NSWALC also recommends that businesses use the Universal Declaration of the Rights of Indigenous Peoples (UNDRIP) as a framework to ensure business practices uphold and maintain the rights of Aboriginal peoples.
- ❖ 6. NSWALC agrees that targets need to be S.M.A.R.T - Specific, Measurable, Attainable, Relevant and Timely, and notes that relevant in this context means giving priority to Aboriginal people’s worldviews and developing the targets in consultation with Aboriginal peoples.
- ❖ 7. NSWALC recommends that action plans use logic models that incorporate theory of change principles to show the link between outcomes and activities and to explain how the desired change will occur and what factors contributed to that change.
- ❖ 8. Indicators need to reflect Aboriginal people’s worldviews and how they measure and define success, for example, rather than narrowly defining success to be about educational attainment and employment, indicators should also reflect the importance of cultural activities and extended family and community relationships.
- ❖ 9. Priority must be given to strategies that reflect Aboriginal peoples’ worldviews and the importance of culture in achieving both social and economic outcomes.
- ❖ 10. NSWALC supports the decision to allow state jurisdictions to develop their own Focus Areas and notes that setting and measuring the achievement of targets needs to take into account regional and state-wide differences.

Introduction

The NSW Aboriginal Land Council (**NSWALC**) welcomes the opportunity to provide feedback to the Closing the Gap refresh. NSWALC provides these comments in our capacity as the peak body representing Aboriginal peoples in NSW and as the largest Aboriginal member based organisation in Australia. NSWALC is committed to pursuing cultural, social and economic independence for Aboriginal peoples. As a self-funded statutory corporation established under the *Aboriginal Land Rights Act 1983 (ALRA)*, NSWALC has a legislated objective to improve, protect and foster the best interests of Aboriginal peoples and communities across the state.

NSWALC also provides support to a network of 120 Local Aboriginal Land Councils (**LALCs**), with a combined membership of over 23,000 Aboriginal people. LALCs are autonomous, elected bodies representing the interests of their members as well as the wider Aboriginal community in each of their respective regions. The core business of each LALC is to acquire and manage lands for both cultural and economic purposes, and as compensation for historic dispossession.

NSWALC draws the Commonwealth Government's attention to Article 3 and Article 19 of the **United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)** which respectively state:

*"Indigenous peoples have the **right to self-determination**. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development"*.

And;

*"States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their **free, prior and informed consent** before adopting and implementing legislative or administrative measures that may affect them"*

NSWALC submits that the consultation processes used by the Commonwealth Government in undertaking the Closing the Gap review, fall short of best practice engagement and accepted international standards for obtaining the free, prior and informed consent of Aboriginal people and communities. In short, consent should be sought before any project, plan or action takes place (*prior*), it should be independently decided upon (*free*) and based on accurate, timely and sufficient information provided in a culturally appropriate way (*informed*) for it to be considered a valid result or outcome of a collective decision-making process¹.

The current proposal to 'refresh' a framework that has already been pre-determined and decided by Government (i.e. the Prosperity Framework), does not meet the threshold for genuine consultation and does not recognise or uphold Aboriginal peoples' right to self-determination. Although NSWALC agrees that economic prosperity will lead to better outcomes for Aboriginal people, there must also be recognition and addressing of the structural impediments that have prevented many Aboriginal people from realising their economic aspirations, in particular, institutional racism. These structural barriers have meant that until recently very few Aboriginal people were given the opportunity to own

1 Food and Agricultural Organisation of the United Nations (2016) *Free, prior and informed consent: An indigenous peoples right and a good practice for local communities*. Retrieved from: <http://www.fao.org/3/a-i6190e.pdf>

their own home or business and to build intergenerational wealth. These and other issues are discussed in more detail in this submission.

As it is the tenth anniversary of the Closing the Gap initiative, NSWALC believes that the time to reflect on lessons learnt and for governments to 'do better' is now.

The language of deficit

NSWALC is concerned about the language of deficit used in 'Closing the Gap refresh' policy framework. Deficit language has been defined by Mithaka man Scott Gorringe as "...a mode of thinking that frames and represents Aboriginal identity in a narrative of negativity, deficiency and disempowerment. When all the thinking, all the conversations and all the approaches are framed in a discourse that sees Aboriginality as a problem, very little positive movement is possible"².

Deficit discourse is embedded within the Closing the Gap framework through the continual comparison of Aboriginal people with non-Aboriginal people. The yardstick used to measure whether Aboriginal people's outcomes have improved, are the outcomes of non-Aboriginal people. Such positioning has implicit messaging that Aboriginal peoples are 'less than' their non-Aboriginal counterparts. Gorringe (2011) further explains:

Persistent perceptions of deficit, difference and conflict have characterised and constrained the history of relations between Aboriginal and non-Aboriginal Australians since contact. The success of their saturation is apparent in a continuing approach that commonly presents the response to Aboriginal needs in terms of health and education 'gaps', 'the Aboriginal problem', 'mainstreaming' (making them more like us) and 'the intervention' (with the lack of agency that such a word implies)³

NSWALC acknowledges the Closing the Gap refresh discussion paper proposes a strength based approach. However, the paper presents the concept of 'prosperity' and then further defines prosperity in terms of 'economic empowerment'. There is no information on why 'economic empowerment' has been prioritised or put forth as a key indicator of 'prosperity'. As mentioned previously, strengths based approaches are by default driven by community and involve some level of 'community asset mapping'. If 'Closing the Gap' is seeking to increase the economic prosperity of Aboriginal peoples, then NSWALC recommends Aboriginal peoples must determine their own economic development goals. Moreover, prosperity is more than just material wellbeing, it is also about having the opportunity to preserve, practice and strengthen culture.

NSWALC acknowledges that participation within the economy will result in benefits to Aboriginal peoples. However, NSWALC also cautions that employment or successful businesses alone will not adequately respond to issues such as systemic racism, healing, protection and maintenance of Aboriginal cultures and languages. These are structural issues and as such, will require a structural response. For instance, constitutional recognition and a commitment by the Australian Government to formally implement the United Nations Declaration on the Rights of Indigenous peoples.

The discussion document suggests Government does not have an accurate understanding of what constitutes a 'strength based approach.' In seeking a path forward, NSWALC advocates for a fundamental shift in the discourse of the Closing the Gap refresh. NSWALC advocates for a genuine 'strength based approach' whereby Aboriginal people and communities are recognised and acknowledged for their inherent strength and resilience. Such an approach requires the mapping of the successes of a community and seeks to build on the identified successes and assets rather than

2 Gorringe, S. (2015, May 15) Aboriginal culture is not a problem. The way we talk about it is. *The Guardian*. Retrieved from: <https://www.theguardian.com/commentisfree/2015/may/15/aboriginal-culture-is-not-a-problem-the-way-we-talk-about-it-is>

3 Gorringe, S. D., Ross, J., & Forde, C. (2010). *"Will the Real Aborigine Please Stand Up": Strategies for Breaking the Stereotypes and Changing the Conversation*. Research Discussion paper No 28. Australian Institute of Aboriginal and Torres Strait Islander Studies. Retrieved from http://www.aiatsis.gov.au/_files/research/AIATSISDiscussionPaper28.pdf

focusing on gaps. NSWALC believes that this example of a genuine strength based approach should underpin any policy framework with the intention to positively impact the lived experiences of Aboriginal people and communities.

Recommendation 1: Government should avoid using deficit language and adopt a genuine ‘strengths based approach’ that operationalises the United Nations Declaration on the Rights of Indigenous peoples and acknowledges the inherent strengths and resilience of Aboriginal peoples.

Deficit Model

To give genuine effect and the most benefit to Aboriginal peoples, a shift in discourse and language must be accompanied by a shift in the policy model.

In defining what constitutes a ‘deficit approach’, NSWALC draws attention to the definition provided by the former, Aboriginal and Torres Strait Islander Social Justice Commissioner, Mick Gooda who stated:

“A deficit-based approach means that our communities are perceived consistently as not having the capabilities to overcome the challenges confronting them. Governments see these challenges as problems that they are required to fix through active intervention. Of course, governments do have a role to play in delivering services so that Aboriginal and Torres Strait Islanders can live in conditions equal to all other Australians, but the problem is that this approach is not necessarily undertaken in partnership with Aboriginal and Torres Strait Islander communities, or built on the ethos that those in communities are best placed to develop and implement the solutions. The unintended consequence is that governments orient themselves as ‘the deliverer of all of the solutions.’”⁴

In line with the statement by the Social Justice Commissioner, a growing body of research shows that deficit approaches do not work, especially in marginalised or oppressed communities. Evidence from the Aotearoa/ NZ ‘Closing the Gaps’ policy initiative shows that while the intention of the policy was to achieve greater equality in outcomes, it actually generated negative public perceptions of the value of Māori to the broader Aotearoa/ NZ society.⁵ In some instances, these negative perceptions became a self-fulfilling prophecy.⁶ Comparing Māori social and economic outcomes to non-Māori outcomes was also found to constrain policy thinking to relative rather than optimal gains. The heavily programmatic response that arose, did not recognise that communities are best placed to understand their local issues and to solve them by developing localised solutions. The enhanced monitoring role that accompanied the policy ended up focusing on the number of activities rather than outcomes as a measure of a success.⁷ Additionally, there are other international examples that Australia can learn

4 M Gooda, Aboriginal and Torres Strait Islander Social Justice Commissioner, Australian Human Rights Commission, Social Justice Report 2011 (2011), p.79 Retrieved from <http://www.humanrights.gov.au/publications/chapter-2-lateral-violence-aboriginal-and-torres-strait-islander-communities-social> (viewed 28 March 2018)

5 Comer, L, (2008). Closing the Gaps – Lessons from New Zealand. Presentation to Ministerial Council for Aboriginal & Torres Strait. Wellington: Ministry of Māori Development. 1-16.

6 As above.

7 Comer, L, (2008). Closing the Gaps – Lessons from New Zealand. Presentation to Ministerial Council for Aboriginal & Torres Strait. Wellington: Ministry of Māori Development. 1-16.

from. A good example of a strengths based framework is the Harvard Project on American Indian Economic Development.⁸ Some of the key research findings of this project include:

- **Sovereignty Matters.** When Native nations make their own decisions about what development approaches to take, they consistently out-perform external decision makers on matters as diverse as governmental form, natural resource management, economic development, health care, and social service provision.
- **Institutions Matter.** For development to take hold, assertions of sovereignty must be backed by capable institutions of governance. Nations do this as they adopt stable decision rules, establish fair and independent mechanisms for dispute resolution, and separate politics from day-to-day business and program management.
- **Culture Matters.** Successful economies stand on the shoulders of legitimate, culturally grounded institutions of self-government. Indigenous societies are diverse; each nation must equip itself with a governing structure, economic system, policies, and procedures that fit its own contemporary culture.
- **Leadership Matters.** Nation building requires leaders who introduce new knowledge and experiences, challenge assumptions, and propose change. Such leaders, whether elected, community, or spiritual, convince people that things can be different and inspire them to take action.

This is a project that has genuinely ‘mapped success’. Whilst the political circumstances of Native Americans differ from Aboriginal peoples, the underlying principles and themes in the Harvard Project research should be considered a good practice example of a strength based approach and inform the development of any future framework (discussed in more detail below with regards to the Prosperity Framework).

Recommendation 2: Measuring Aboriginal people’s social and economic outcomes in relation to non-Aboriginal outcomes is a deficit based model that constrains policy thinking to relative rather than optimal gains and should be avoided. The ‘Closing the Gap Refresh’ should consider other jurisdictions approaches and learn from these.

Consultation Process

The free, prior and informed consent of Aboriginal peoples is the minimum standard needed to ensure Aboriginal people are meaningfully engaged throughout any consultation process. NSWALC recommends that as a minimum, consultations occur with at least a 4 weeks’ notice provided to intended participants.

NSWALC notes that invitations for the consultation were received with four business days’ notice. This left very little time for participants to prepare considered and nuanced responses. This approach affects both the quality of comments provided on the day by participants and the overall quality of the facilitated discussion.

During the session, an overview of the ‘Special Gathering’ and the proposed Closing the Gap refresh model was presented. Yet, there was no facilitated discussion regarding the option of abandoning the Closing the Gap policy framework and replacing it with a new strengths based, co-designed policy model. The Close the Gap discussion paper mentions ‘establishing a new framework’ once. The fact

⁸ The Harvard Project on American Indian Economic Development (2018) Retrieved from: <https://hpaied.org/>. [Accessed 27 March 2018].

that the session did not allow for a proper debate on the merits of the current Closing the Gap framework is problematic.

Asking Aboriginal people for ‘band aid’ solutions to a framework a decade after its inception is not genuine consultation with Aboriginal peoples. As rights holders and more importantly, as the people who literally live and die by the success and failure of such policy models, Aboriginal peoples must be involved in all aspects of the policy design, implementation and evaluation for the duration of the policy model’s existence.

NSWALC also notes that throughout the consultation process, invites were extended to both Aboriginal and non-Aboriginal peoples. NSWALC acknowledges that there are non-Aboriginal people who can meaningfully contribute to discussions on policy models with community development at their core. However, NSWALC believes that the views, expertise and opinions of Aboriginal peoples must be given primacy throughout this process. Such an approach is appropriate recognition of Aboriginal peoples’ inherent rights as First Peoples. In order to practically implement our right to self-determination, sessions open only to Aboriginal people would have been a more appropriate consultation model.

Finally, in relation to consultation, without criticising the prominent Aboriginal and Torres Strait Islander peoples selected, NSWALC draws attention to the government run process for selecting participants to attend the Special Gathering on the Close the Gap Refresh. As a democratic representative body, NSWALC continues to be a strong advocate for self-determination and the right of Aboriginal people to select our own representatives.

In this regard, NSWALC draws attention to Article 18 of the UNDRIP which states that *‘Indigenous peoples have the right to participate in decision making matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures...’*.

Furthermore, NSWALC believes that Government should give effect to this right by engaging with our selected representatives as equals and shift from merely consultation to negotiation. A conversation ‘between equals’ is what self-determination looks like in practice.

Recommendation 3: Government should adopt genuine consultation processes that align with the principles of free, prior and informed consent in the United Nations Declaration on the Rights of Indigenous Peoples and which recognises Aboriginal peoples’ rights as First Nations peoples.

Prosperity Framework

The discussion paper states that the Australian Government is considering making changes to the policy to adopt a strength based approach that looks at prosperity measures. NSWALC acknowledges that economic prosperity can play a vital role in achieving healthy, thriving Aboriginal communities. The suggestion to emphasize economic empowerment to ensure thriving communities aligns with NSWALC goals in our 2018-22 Strategic Plan. Our Strategic Plan acknowledges that restoring economic independence and prosperity to Aboriginal communities is essential to our survival as a distinct, culturally rich, self-determining people.⁹

⁹ New South Wales Aboriginal Land Council, 2018. New South Wales Aboriginal Land Council Strategic Plan 2018-2022. Sydney: New South Wales Aboriginal Land Council

Yet, while a strengths based approach is an improvement on the current deficit model, a truly strengths based approach would enable Aboriginal people themselves to determine the targets they want to achieve, such as measures that incorporate Aboriginal people's aspirations on their own lands and waters. NSWALC acknowledges that this consultation process provides the opportunity for Aboriginal peoples to identify particular measures and indicators, however, the Government appears to have already determined the targets it intends to focus on. A pre-existing framework with a relatively narrow definition of what economic prosperity entails does not allow for genuine partnership and undermines Aboriginal people's rights to self-determination.

NSWALC notes the 'prosperity framework' differentiates between four different spheres, economic, individual, community and environment.¹⁰ However, this framework is an artificial dissection and does not recognise how interconnected all of these components are to Aboriginal peoples - who tend to have a more holistic approach to economic development and do not necessarily see themselves as separate from their community and environment. The framework is prefaced with the statement that "Indigenous culture is central to the key pillars of prosperity", however, there is limited reference to culture in the examples. For instance, the examples do not mention that culture is a particular resource that Aboriginal peoples could leverage to set them apart from their competitors. NSWALC has concerns that the only reference to culture is "thriving traditions and cultural practice" under community. As a result, the framework perpetuates stereotypes that see Aboriginal culture and business as antithetical to one another.

Another example where the inherent benefits of Aboriginal cultures is ignored, is the education outcomes noted under individual. Having children attend early childhood centres and school is a worthwhile goal. However, if the education system does not reinforce and support their identity as Aboriginal children through bilingual education or through an accurate, respectful depiction of contemporary and traditional Aboriginal cultures, then the opportunity for 'prosperity' in the truest sense of the word is lost. In addition to academic attainment, education must be about strengthening Aboriginal people's knowledge of and connection to culture. In this regard, NSWALC would like to draw the Commonwealth Government's attention to the work of the New South Wales Aboriginal Education Consultative Group (**AECG**) on the Foundations Framework for Culture and Language Nests in NSW.¹¹ The Framework identifies particular goals in relation to raising awareness, reclaiming and revitalising Aboriginal languages and cultures in NSW.

In addition, none of the economic indicators mention the social and environmental benefits derived from economic activities and how economic development can enable communities to be self-sustainable.

The focus on individual responsibility in the framework does not take into account the structural impediments to 'prosperity'. In particular, the statement: "addressing intergeneration transmission of poverty" does not make it clear that intergenerational welfare dependency and poverty among Aboriginal people is primarily due to successive government policies that excluded Aboriginal people

10 <https://closingthegaprefresh.pmc.gov.au/about#framework>

11 Shane, W., 2014. Foundation Framework: Aboriginal Culture and Language Nests (ACLN) in NSW. Sydney: New South Wales Aboriginal Education Consultative Group, available at https://www.aecg.nsw.edu.au/wp-content/uploads/2016/11/Foundations-Framework-ALCN_June_2014.pdf

from the economy and denied them the right to own their own homes and businesses that would have enabled intergenerational wealth creation.¹²

A further barrier to Aboriginal peoples' wealth creation was that up until the early 1970s, many Aboriginal and Torres Strait Islander people's wages were managed by Australian governments. The amount of money owed to Aboriginal people because of these policies is estimated to be as high as \$70 million, in New South Wales alone.¹³

Caution is needed to ensure that future frameworks used by government do not focus on an individual in isolation from their community and in doing so, erase the cultural and social contexts/environments that they come from. As it is the cultural and social contexts/environments that will serve as a source of resilience, support and strength to Aboriginal people and enable them to achieve prosperity.

Recommendation 4: Structural impediments to 'prosperity' must be accounted for and addressed in any future policy frameworks. Aboriginal peoples must also determine how Aboriginal cultures are included in any future frameworks through a genuine consultation process that enables Aboriginal peoples to set the targets and framework for measuring improvements

Response to Questions

1. How can governments, Aboriginal people and businesses more effectively work together – what is needed to change the relationship between government and community?

In terms of 'resetting the relationship' between Government and Aboriginal communities, NSWALC believes the most appropriate way forward is through a treaty and/or treaties. Our strategic plan 2018 – 2022 commits NSWALC to advocating for the rights and interests of Aboriginal peoples and working towards establishing a treaty process in NSW. NSWALC is adamant that Treaties have the potential to be the framework for:

- **Partnerships** that must occur between Aboriginal peoples and the Government
- **Participation** by both parties in the treaty making process and more broadly, to enable Aboriginal peoples to participate in the affairs of the nation and
- **Protection** of both Aboriginal people's cultures and human rights.

In relation to businesses working more effectively with Aboriginal peoples, NSWALC draws attention to the following key business actions developed by the United Nations Global Compact:

1. Adopt and implement a formal policy (whether on a stand-alone basis or within a broader human rights policy) addressing Indigenous peoples' rights and committing the business to respect Indigenous peoples' rights.
2. Conduct human rights due diligence to assess actual or potential adverse impacts on indigenous peoples' rights, integrate findings and take action, track and communicate externally on performance.
3. Consult in good faith with Indigenous peoples in relation to all matters that may affect them or their rights.

12 Keen, I, (2010). Indigenous Participation in Australian Economies: Historical and Anthropological Perspectives. Canberra: Australian National University, page 1

13 Banks, Robin, Stolen Wages: Settling the Debt. Australian Indigenous Law Review 12 (2008): 55–67, page 58

4. Commit to obtain (and maintain) the free, prior and informed consent of Indigenous peoples for projects that affect their rights, in line with the spirit of the UN Declaration.
5. Establish or cooperate through legitimate processes to remediate any adverse impacts on Indigenous peoples' rights.
6. Establish or cooperate with an effective and culturally appropriate grievance mechanism.

NSWALC has a new strategy which aims to create opportunities to grow economic prosperity and independence by diversifying our business activities and developing genuine business partnerships in the areas of: employment services, training and brokerage; Aboriginal housing; and land development and construction. NSWALC has recently entered into a partnership with the Commonwealth Government to design and deliver a 'Western Sydney Indigenous Business and Employment Hub'. This will be the first Indigenous Business Hub to be implemented under the Commonwealth Government's Indigenous Business Sector Strategy.

It is only through such genuine partnerships, meaningful participation and effective protection of the human rights of Aboriginal peoples that a 'resetting of the relationship' between Aboriginal peoples, Government and businesses can occur.

Recommendation 5: NSWALC recommends that both the NSW and Federal Governments commit to a process whereby treaties that recognise and give practical effect to the inherent sovereignty of Aboriginal peoples are entered into. NSWALC also recommends that businesses use the Universal Declaration of the Rights of Indigenous Peoples (UNDRIP) as a framework to ensure business practices uphold and maintain the rights of Aboriginal peoples.

2. Measuring of targets – how should targets better measure what is and what is not working?

Most of the current Closing the Gap targets (all except the early childhood target for four-years) measure Aboriginal peoples against non-Aboriginal outcomes, which means the targets are fluid. Aboriginal peoples' outcomes may improve but if non-Aboriginal outcomes also improve at the same rate then the gap between the two groups will not close. Not only are the targets relative, they also risk perpetuating the 'racism of low expectations', with several of the targets only being to halve the gap between non-Aboriginal and Aboriginal people rather than close it. More appropriate targets would avoid comparing Aboriginal social and economic outcomes to those of the non-Aboriginal population, and incorporate more specific and therefore more easily measured targets. Instead of: "close the gap between Indigenous and non-Indigenous school attendance by 2018", potential targets could be that a specific percentage of Aboriginal student's complete high school and gain a formal qualification.

What the exact target percentage could be, should be determined in consultation with Aboriginal communities and it may be that the percentage varies depending on the location and background of the students, or it could be that the target is to increase the number of students graduating high school by a certain percentage rather than 'close the gap.' As the discussion paper accurately identifies, the objectives have to be S.M.A.R.T – Specific, Measurable, Attainable, Relevant and Timely and the current 'Close the Gap' targets are not. To ensure the targets are relevant, the targets must be developed in consultation with Aboriginal peoples and take into account Aboriginal people's knowledge and expertise.

In addition, to ensure targets better measure what is and is not working, they also need to be accompanied by an appropriate evaluation framework. NSWALC notes that the discussion document

states that action plans will be developed that set out the actions governments will take to meet the targets or commitments. In developing these action plans a logic model incorporating theory of change principles should be used which clearly set out how a particular activity will contribute to an outcome, i.e. if these activities are undertaken then the following objectives will be achieved. There is a difference between a simple logic model which identifies a reading program as an activity and improved reading scores as an outcome, and a logic model which incorporates a theory of change and seeks to link outcomes and activities to explain how the desired change will occur and what factors contributed to that change. For example, how many days a student needs to attend the program in order for their reading to improve and what the course material must include in order for student's reading scores to rise.

Recommendation 6: NSWALC agrees that targets need to be S.M.A.R.T - Specific, Measurable, Attainable, Relevant and Timely, and notes that relevant in this context means giving priority to Aboriginal people's worldviews and developing the targets in consultation with Aboriginal peoples.

Recommendation 7: NSWALC recommends that action plans use logic models that incorporate theory of change principles to show the link between outcomes and activities and to explain how the desired change will occur and what factors contributed to that change.

3. What indicators should government focus on?

We note that the discussion paper asks whether government should focus on indicators such as prosperity and wellbeing. In discussing this question, we refer to the comments above about enabling Aboriginal peoples to determine their own targets and definitions for measuring success. Aboriginal peoples are likely to have a more holistic view of what prosperity and wellbeing means than the general population. Consequently, if prosperity or wellbeing are used as indicators to measure improvements in outcomes then the definition must encapsulate what they mean to Aboriginal peoples. NSWALC's Strategic Plan 2018-2022 mentions the importance of ensuring the social wellbeing of Aboriginal peoples as well as achieving full Land Rights and economic independence.

Another useful framework on wellbeing is the PHD thesis of ANU scholar Dr Mandy Yap, "In pursuit of culturally relevant indicators of Indigenous wellbeing: Operationalising the 'recognition space.'"¹⁴ Yap's thesis examines how the use of wellbeing as a measure for tracking the improvement in outcomes has become more prevalent. However, despite the recognition that wellbeing is culturally constructed, there has been a tendency to develop universal indicators for the measurement of wellbeing that do not acknowledge that there are different understandings of wellbeing. This is particularly the case for Aboriginal peoples, who tend to have wellbeing indicators developed on their behalf. As a result, there is a disconnection between Aboriginal peoples' aspirations for wellbeing and the policies and reporting frameworks aimed at improving Aboriginal wellbeing. A similar disconnect between the Closing the Gap targets and Aboriginal peoples' aspirations is also apparent. Going forward, government must ensure that the indicators used reflect Aboriginal people's worldviews and how they measure and define success.

14 Yap, M, 2017. In pursuit of culturally relevant indicators of wellbeing. PhD. Canberra: Australian National University.

Many times projects are imposed on communities by external funding agencies intent on providing services that will “fix” community “needs.” True community priorities are essential to promote sustainable benefits over time. The question that evaluations must address is, “Has the community been affected in a positive way as a result of the program/project/initiative?”¹⁵

An example of the wellbeing indicators that reflect Aboriginal peoples’ worldviews, are some of the indicators that Yap developed as part of her PhD (see below). However, it is important to note that these indicators are specific to the Yawuru people in the Kimberley and as such, are not necessarily comparable across different population groups.

- Participation in song, dance, story-telling and painting
- Sitting around the campfire and singing
- Everyone in community feels pride and sense of belonging
- Sharing and receiving catch, kill or fish with family and friends – reciprocity and obligation fulfilment to kin
- Able to visit family living away
- Feel respected by and show respect to Indigenous groups in my community
- Elders and young people spending time on country fishing and hunting
- Free from disability/chronic condition that prevents you from participating in cultural activities, work, studies and community
- Adequate housing conditions with water, electricity and proper sewerage
- Able to pay for basic costs of living (bills, groceries, rent)
- Able to buy items for enjoyment (movies, holidays, treats, gifts, eating out, nice clothes)

Recommendation 8: Indicators need to reflect Aboriginal people’s worldviews and how they measure and define success, for example, rather than narrowly defining success to be about educational attainment and employment, indicators should also reflect the importance of cultural activities and extended family and community relationships for Aboriginal peoples.

4. Should Aboriginal culture be incorporated in the Closing the Gap framework?

NSWALC supports the position of the Kimberley Aboriginal Land and Culture Centre who state: “the repeated affirmations from Aboriginal people about the importance of culture have consistently fallen on deaf ears of Labor and Liberal Governments at both State and Commonwealth levels” and also “we look forward to the day when the platitudes about the importance of culture are translated into actual actions and into tangible policies and funding.”

However, NSWALC’s position is contingent on Government implementing a framework that is truly underpinned by a strengths based approach. Any attempt to centre Aboriginal cultures within a deficit based policy model will inevitably fail to make a positive impact.

Recommendation 9: Priority must be given to strategies that reflect Aboriginal peoples’ worldviews and the importance of culture in achieving both social and economic outcomes.

15 Kawakami, A, J. Aton, K. Cram, F. Lai, M, K and Porima, L. 2007. Improving the practise of evaluation through Indigenous values and methods, decolonizing evaluation practise – returning the gaze from Hawai’i and Aotearoa. In P Brandon and N Smith (eds). Fundamental Issues in Evaluation. 219-242. Guilford Press. New York.

5. What are the key target areas or commitments that should be measured?

Although NSWALC can see that developing a selection of key target areas or commitments will help to ensure consistency, there must be room to recognise the diversity of experiences of Aboriginal peoples across Australia. One of the problems with the current Closing the Gap model is that it averages statistics and does not show the real levels of disadvantage or success in some areas. We note that the Commonwealth Government has provided State jurisdictions a degree of latitude and scope to develop their own Focus Areas applicable to their individual jurisdictions. We support this decision as it may help to ensure that the targets being measured are more appropriate and relevant to Aboriginal people's various circumstances.

Recommendation 10: NSWALC supports the decision to allow state jurisdictions to develop their own Focus Areas and notes that setting and measuring the achievement of targets needs to take into account regional and state-wide differences.

Closing note

In closing, NSWALC draws attention to the words of Kawakami et. al (2007)¹⁶ who state:

Even though the processes of colonization have marginalized us within our own lands, we remain sovereign people who insist on the right to find our own solutions and our own ways of evidencing social transformations. Evaluations that support us in this effort must exhibit both academic and cultural validity. We look forward to the day when this approach becomes the norm of our evaluation experience.

If you have any questions or comments regarding the content of this submission, please contact NSWALC's Strategy and Policy Unit on (02) 9689 4444 or policy@alc.org.au.

16 Kawakami, A, J. Aton, K. Cram, F. Lai, M, K and Porima, L. 2007. Improving the practise of evaluation through Indigenous values and methods, decolonizing evaluation practise – returning the gaze from Hawai'i and Aotearoa. In P Brandon and N Smith (eds). *Fundamental Issues in Evaluation*. 219-242. Guilford Press. New York.