



Submission to the 'Refresh' process of the Closing the Gap Strategy

April 2018



About ANTaR

ANTaR is a national advocacy organisation working for Justice, Rights and Respect for Australia's First Peoples. We do this primarily through campaigns, advocacy and lobbying.

Our current national campaigns include:

- Constitutional Recognition and Equality – for Constitutional change to recognise Australia's First Peoples and remove discriminatory elements from our founding document; and
- Justice - for action to reduce imprisonment rates and end deaths in custody.

We also engage in national advocacy across a range of policy and social justice issues affecting Aboriginal and Torres Strait Islander communities, including native title, languages and cultures, economic and community development, remote communities services and infrastructure, health and human rights.

ANTaR is a foundational member of the Close the Gap Campaign Steering Committee, the Change the Record Campaign Steering Committee and the Redfern Statement Alliance.

ANTaR has been working with Aboriginal and Torres Strait Islander communities, organisations and leaders on rights and reconciliation issues since 1997. ANTaR is a non-government, not-for-profit, community-based organisation.

Introduction

Thank you for the opportunity to comment on the 'Refresh' of the Council of Australian Governments' (COAG) Closing the Gap Strategy (the Strategy).

For a decade now, the Strategy has been the only national mechanism that seeks to comprehensively address the challenges and barriers to equality in outcome for Australia's First Peoples across health, justice, education, employment and other social determinants of wellbeing.

The Strategy was a landmark policy initiative in response to the then Aboriginal and Torres Strait Islander Social Justice Commissioner, Professor Tom Calma's seminal Social Justice Report in 2005. The Report called for a government commitment to close the gap in life expectancy between Aboriginal and Torres Strait Islander peoples and non-Indigenous Australians within a generation.ⁱ Professor Calma's report was followed by Prime Minister Kevin Rudd's 'Apology' to the Stolen Generationsⁱⁱ in 2008, and, the subsequent signing of the *Close the Gap Statement of Intent* in 2008.ⁱⁱⁱ

In parallel to these historical milestones, the United Nations Declaration on the Rights of Indigenous Peoples^{iv} was adopted by the General Assembly in 2008 and the Australian Federal Government announced its support for the Declaration in 2009.^v The Declaration (UNDRIP) outlined the principles reflected the 'human-rights based approach' to achieving health equality that Tom Calma called for in his 2005 Report.

In 2009, ANTaR shared the hopes of the many Aboriginal and Torres Strait Islander organisations, leaders, communities and their mainstream supporters that the Strategy would be the vehicle to deliver real, meaningful, coordinated and lasting change to the way Aboriginal and Torres Strait Islander peoples were supported to enjoy good health, opportunity and freedom. After a decade of the Strategy, we are yet to see enough change to be encouraged that the Strategy in its current form will deliver on that early promise.

While there are some significant issues with how the Strategy has been implemented and managed over the last 10 years, ANTaR believes that the Strategy, with substantial reform and recommitment, can still be the mechanism to drive the pursuit of health equality and deliver on this national priority within a generation.

All Australian governments must commit to a reformed, coordinated and sustained Strategy to achieve health equality in this generation. Considering that Australia's First Peoples are only 3 per cent of the population (less than 800,000 people), it remains a challenging but very achievable national priority over the next decade.

ANTaR strongly endorses the recommendations made by the Close the Gap and Change the Record campaigns in their submissions to the Refresh process. These Aboriginal and Torres Strait Islander-led social justice campaigns are the most experienced and authoritative bodies of expertise in health and justice. We note their consistent calls for a social determinants approach to the Closing the Gap Strategy that clearly links the various areas of policy that impact on the health and wellbeing of First Peoples. We must finally move away from a siloed approach.

It is critical that the next Closing the Gap Strategy be a mechanism that empowers the cultural determinants of health and wellbeing. The cultures of First Nations peoples across Australia have endured and are ‘...a strength’ that also leads to ‘...healing and builds resilience’.^{vi} Aboriginal and Torres Strait Islander people must be given space to determine how the Strategy complements and respects culture.

Finally, in Uluru in 2017, Aboriginal and Torres Strait Islander Peoples from across Australia made a direct and powerful statement on their aspirations for true recognition in Australia’s Constitution.

In calling for a Voice in the Constitution, and a Makarrata commission that will lead us in a process of Treaty and truth-telling - the First Nations peoples at Uluru finished their Statement from the Heart by inviting all of us to walk together ‘in a movement of the Australian people for a better future’.^{vii}

The declaration of the Uluru Statement was a proud day for Australia’s First People after a long and difficult process, and must be the catalyst for reconciliation.

A refreshed Closing the Gap Strategy must support and complement the realisation of the Uluru Statement and its promise of a better future.

Self-Determination of Aboriginal and Torres Strait Islander Peoples

Unless Aboriginal and Torres Strait Islander peoples, their leaders and organisations are at the centre of its planning, there can be no Strategy to address the historical, embedded and persisting inequalities.

Self-determination cannot be retrofitted, but rather, must be the first element to a nationally coordinated strategy to close the gap.

At his first Closing the Gap Report launch in 2016, Prime Minister Turnbull made a public commitment to ‘do things with Aboriginal people, not do things to’ Aboriginal people.^{viii} So far, this commitment has not been met. The refreshed Strategy must begin and end with Aboriginal and Torres Strait Islander leadership.

Aboriginal and Torres Strait Islander leadership should begin with community-controlled services and peak organisations being at the centre of design, implementation and management of the Strategy.

The Closing the Gap Refresh Taskforce has raised the prospect of a regional approach with placed-based decision making based on good access to meaningful data. This is a promising proposal if it is left to Aboriginal and Torres Strait Islander communities to determine and define.

Furthermore, to ensure their capacity to lead, community-controlled and peak organisations must be provided adequate, sustained funding to enable their leadership in design, implementation and management of the Strategy.

2008 Close the Gap Statement of Intent & the Human Rights-based approach

ANTaR believes that in order to succeed, the Strategy must return to a human rights-based approach and be clearly linked to articles of the United Nations Declaration on the Rights of Indigenous Peoples.

Furthermore, the Strategy must return to the commitments made by the original agreement – the 2008 *Close the Gap Statement of Intent*. The Close the Gap Campaign, in its 10 Year Review of the Closing the Gap Strategy laid out the drift over the last decade away from those commitments and this needs to be rectified.^{ix}

As the Review states:

...the Close the Gap Statement of Intent is founded on an understanding that population health outcomes are fundamentally the result of underlying structural factors, such as social determinants, institutional racism, the quality of housing, and access to appropriate primary health care. If governments want to improve and sustain the health of any population over time, these elements must be addressed.^x

The use of targets has been an important feature of the Strategy to date and ANTaR supports the retention of the existing targets and their expansion to include targets that address justice, disability and systemic racism. These should be translated to jurisdictional targets that sit alongside the national targets – making clear how each State and Territory is tracking against these national priorities.

Resourcing the work

The next Strategy must be fully costed and resourced. Too often, plans, strategies and frameworks are developed in good faith but are not provided with the requisite investment to make them work.

The reformed Closing the Gap Strategy must be supported by a comprehensive plan that outlines roles, responsibilities, timeframes and resourcing.

To do this, detailed costing (and cost-benefit analysis) must be undertaken and accounted for, over the life of the plan. ANTaR recommends that the Strategy and the plan that supports the Strategy be legislated to show the cross-Parliament support at the Federal level. The Productivity Commission, and the promised Aboriginal and Torres Strait Islander Commissioner,^{xi} should be tasked with undertaking this work alongside their regular reporting on 'Overcoming Indigenous Disadvantage' and 'Indigenous Expenditure'.^{xii xiii}

Conclusion

Thank you again for the opportunity to comment. We look forward to further conversations with the Closing the Gap Refresh Taskforce on how to reshape and reform the Closing the Gap Strategy.

We share the commitment to close the gap in life expectancy and other health and social disparities as quickly as possible. We have a series of recommendations listed below for your consideration.

Recommendations:

The next iteration of the Closing the Gap Strategy must:

1. Be based on a **genuine partnership** with Aboriginal and Torres Strait Islander peoples. To facilitate this, the refreshed Strategy should:
 - a. Be built on the principle that at every point, target, initiative and management - it supports the **self-determination** of Australia's First Peoples;
 - b. First Peoples **culture** be acknowledged and supported at the centre of the Strategy;
 - c. Puts Aboriginal and Torres Strait Islander **community-controlled services and peak organisations at the centre** of design, implementation and management of the Strategy; and
 - d. Community-controlled and peak organisations are provided **adequate, sustained funding** to enable their leadership in design, implementation and management of the Strategy.
2. Be founded on:
 - a. A return to the core commitments made in the 2008 Close the Gap Statement of Intent; and
 - b. A **human rights-based approach** as articulated by the principles of the United Nations Declaration on the Rights of Indigenous Peoples.
3. **Commit the Federal, State and Territory governments** to providing annual reports that give account to their specific responsibilities, within their jurisdictions, to the implementation of the Strategy and success against the targets.
4. **Retain the existing national targets** and:
 - a. Has the targets translated to State and Territory jurisdiction level for specific state-based accountability; and
 - b. The Strategy also introduce targets that address (amongst others):
 - i. Justice
 - ii. Disability
 - iii. Institutional racism
5. Be **supported by a comprehensive plan** that outlines roles, responsibilities, timeframes and resourcing. To do this, detailed costing (and cost-benefit analysis) must be undertaken and accounted for, over the life of the plan. ANTaR recommends that the Strategy and the plan that supports the Strategy be legislated to show the cross-Parliament support at the Federal level.

References:

- ⁱ Social Justice Report (2005) - https://www.humanrights.gov.au/sites/default/files/content/social_justice/sj_report/sjreport05/pdf/SocialJustice2005.pdf
- ⁱⁱ The Apology to the Stolen Generations (2008) - <https://www.australia.gov.au/about-australia/our-country/our-people/apology-to-australias-indigenous-peoples>
- ⁱⁱⁱ Close the Gap Statement of Intent (2008) - <https://www.humanrights.gov.au/publications/close-gap-indigenous-health-equality-summit-statement-intent>
- ^{iv} United Nations Declaration on the Rights of Indigenous Peoples - <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>
- ^v Australian Human Rights Commission - UN Declaration on the Rights of Indigenous Australians - <https://www.humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/projects/un-declaration-rights>
- ^{vi} Cultural Determinants of Aboriginal and Torres Strait Islander Health Roundtable Report (2014) The Lowitja Institute - <https://www.lowitja.org.au/sites/default/files/docs/Cultural-Determinants-RT-Report-FINAL2b.pdf>
- ^{vii} The Uluru Statement (2017) - https://www.referendumcouncil.org.au/sites/default/files/2017-05/Uluru_Statement_From_The_Heart_0.PDF
- ^{viii} The Hon Malcolm Turnbull MP, *Speech to Parliament on the 2016 Closing the Gap Report* (Speech delivered at the House of Representatives, Canberra, 10 February 2016) <<http://www.malcolmturnbull.com.au/media/speech-to-parliament-on-the-2016-closing-the-gap-report>
- ^{ix} A 10-Year Review: the Closing the Gap Strategy and Recommendations for Reset (2018) - <https://www.humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/close-gap-10-year-review>
- ^x Ibid
- ^{xi} Minister Nigel Scullion – Media Release – February 2018 <https://ministers.pmc.gov.au/scullion/2018/indigenous-productivity-commissioner-step-closer-reality>
- ^{xii} *Indigenous Expenditure Report 2017, Productivity Commission* - <https://www.pc.gov.au/research/ongoing/indigenous-expenditure-report>
- ^{xiii} *Overcoming Indigenous Disadvantage Report 2016, Productivity Commission* - <https://www.pc.gov.au/research/ongoing/overcoming-indigenous-disadvantage/2016>