



NATIONAL CONGRESS
OF AUSTRALIA'S FIRST PEOPLES

**Submission to the Senate Foreign Affairs, Defence and Trade References
Committee**

May 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 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 participate in 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 are involved in Closing the Gap Roundtable Consultations, the Change the Record Campaign and in providing advice and critique to governments regarding key policy decisions relating to Aboriginal and Torres Strait Islander affairs.

As a consequence of this experience we are well qualified to comment on the inquiry into the Sustainable Development Goals, and we welcome the opportunity.

Introduction

Adopted in 2015, the SDG framework contains 17 goals that in their totality are extremely ambitious and far reaching. While it is desirable to have a framework for solving the world's problems, in our view the SDG have too many targets (and paradoxically too few detail for each of them) to be translated into action over the specified period. Nevertheless we admire and share the idealism of the goals and feel that if they were to be prioritized, and some of the targets made more precise, they could make a significant contribution to action leading to a fairer and more just and sustainable world.

In this submission National Congress focuses on a number of issues in the SDGs that are of urgent concern to Aboriginal and Torres Strait Islander people. We have restricted ourselves to a number of the terms of reference viz:

- a. the understanding and awareness of the SDG across the Australian Government and in the wider Australian community;
- b. the potential costs, benefits and opportunities for Australia in the domestic implementation of the SDG;

- c. what governance structures and accountability measures are required at the national, state and local levels of government to ensure an integrated approach to implementing the SDG that is both meaningful and achieves real outcomes;
- d. how can performance against the SDG be monitored and communicated in a way that engages government, businesses and the public, and allows effective review of Australia's performance by civil society;

While we recognize the need to adopt an international perspective and encourage the Australian government to undertake its obligations to participate in the creation of a just and sustainable world, we need to point out, again, that within our boundaries Aboriginal and Torres Strait Islander peoples are one of, and possibly the most, disadvantaged groups in all OECD countries. The gap between our people and the rest of Australian society in many of the areas covered by the SDGs is on the public record *ad nauseum*. Examples include:

Aboriginal and Torres Strait Islander people die more than 10 years younger than the rest of the Australian population, have a far greater likelihood of having a disability and a mental illness, are twice as likely to suffer from a psychiatric disability and suffer higher levels of diseases such as diabetes and cancer. Aboriginal and Torres Strait Islander girls are 6 times more likely to commit suicide and boys 4.4 times than non-Indigenous children. Thirty percent of our children are overweight. Infant mortality rates are close to twice that of non-Indigenous Australians, and three times in the Northern Territory

Employment for Aboriginal and Torres Strait Islander people is far worse than the general community. 20.6% of Aboriginal and Torres Strait Islander people are unemployed: 27.4 % in remote communities and 32% amongst 15 to 25 year olds.

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, the gap remains unacceptable. 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%.

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. One example is the mortality rate mentioned above. 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. 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 any implementation of the SDG.

The fact that these gaps exist almost 10 years after the introduction of the Closing the Gap strategy is a disgrace that is widely recognised internationally notwithstanding the optimistic tone of the 2018 Closing the Gap report.

Term of Reference (a) the understanding and awareness of the SDG across the Australian Government and in the wider Australian community

While knowledge of the SDG are widespread in the ODA (overseas development assistance community) and in academic circles, it must be admitted that there is limited knowledge even of their existence in the general community. National Congress believes that by working with the education system, the Australian Government should promote knowledge of the SDG, as well as the Australian Government's role in achieving the SDG both internationally and domestically.

There are international examples of how the wider community generally might be informed about the SDG, such as the UN's MyWorld Campaign, a prelude to the Paris Summit. In summary that campaign used a major survey of peoples' preferences on sustainable goals to start a discussion at all levels of society, through community and business organisations at the local levels. We would urge a major campaign using the power of social media in all its forms, but also of broadcasting media to engage the various communities in Australia.

Term of Reference (b) the potential costs, benefits and opportunities for Australia in the domestic implementation of the SDG

It is our view that there are opportunities to gain enormous benefits for Australia by implementing the SDGs domestically. To do so, however, requires a framework for the next 12 years that **initially** prioritizes those goals that can have the most impact on disadvantaged groups *within* Australia. At the national level, given that Aboriginal and Torres Strait Islander people are the most disadvantaged subgroup, the initial focus should be on closing the gap between us and the rest of Australian society.

We suggest a framework that divides the time frame for implementation of the SDG into three sections, each of four years. The initial time frame, paralleling the budgetary forward estimates would focus **intensively** on closing the gap and would concentrate on goals 3, 4, 8 and 10: health, education, the provision of decent work, and the reduction of inequality. (It needs to be noted here that the challenges facing Aboriginal and Torres Strait Islander communities go far beyond these goals. Aboriginal and Torres Strait Islander rates of incarceration, lack of adequate and appropriate housing, child removal, domestic violence and the myriad issues for remote communities are examples, but these are not covered in the SDG are hence are not dealt with in this submission)

We do not recommend using all the targets specified for each individual goal in the SDG. Rather we want to select those targets that are considered of most relevance by Aboriginal and Torres Strait Islander organisations and communities -- something that should be decided after appropriate consultations led by, or in conjunction with, Aboriginal and Torres Strait Islander peak bodies.

It is important to note that we are NOT suggesting that the other 15 goals should be ignored. Neither are we suggesting that other disadvantaged groups within Australia should be ignored. Rather, in the initial stages of implementation that the major focus be on our most disadvantaged group -- Aboriginal and Torres Strait Islander people. It is our view that the focus on our Peoples will not only have benefits for us, but for the reputation of the country as a whole, given the international condemnation of the treatment of Aboriginal and Torres Strait Islander people and our rights (as indicated by the report of UN Special Rapporteur on the Rights of Indigenous People, and the recent UN review of Australia's human rights performance).

During the next four years, the government should continue to consider how it can help to achieve some of the wider SDG goals via its international aid budget and through other policies to help disadvantaged group in Australia and internationally. In other words, we suggest that a domestic and international agenda for implementation be pursued simultaneously, using different strategies and resources.

However it needs to be pointed out that our experience in the Closing the Gap strategy suggests that implementing the SDG goals for our people will take a considerable amount of time, likely as long as the SDG timeframe of 12 years. However, it is to be hoped that some of the targets we set in priority areas will be met within the first four year period.

A focus on the domestic implications of the SDGs means that the carriage of policy development and implementation needs to go far beyond the Department of Foreign Affairs and Trade and that this become a whole of government agenda.

RECOMMENDATION 1

Within Australia, the Government should focus on achieving SDG 3, 4, 8 and 10 among Aboriginal and Torres Strait Islander peoples.

RECOMMENDATION 2

The Government should consult with the Aboriginal and Torres Strait Islander peak representative body to determine which targets for SDG 3, 4, 8 and 10 are priorities

RECOMMENDATION 3

The SDGs should not form the sole goals for Closing the Gap between Aboriginal and Torres Strait Islander and non-Indigenous Australians. Concerted efforts should also be addressed to improve incarceration rates, child removals, family and community safety, housing and homelessness among Aboriginal and Torres Strait Islander peoples, which should also be priorities for Government policies and programs.

RECOMMENDATION 4

Implementation of SDGs within Australia must be made a whole of government priority

Term of Reference (c) What governance structures and accountability measures are required at the national, state and local levels of government to ensure an integrated approach to implementing the SDG that is both meaningful and achieves real outcomes?

If any of the future targets within our priority SDG for Aboriginal and Torres Strait Islander peoples are to be achieved, there needs to be a total change of approach.

A short discussion of the recent approach to Aboriginal and Torres Strait Islander funding (and policy making more generally) illustrates our point.

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 (IAS). 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, by 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 personnel, 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, must be taken into account. Mainstream organisations frequently lack the capacity, knowledge and cultural competence required to effectively deliver services to our communities.

Moreover, 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 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 implementation of the SDG.

We support a different approach that focuses on Government working collaboratively **with** Aboriginal and Torres Strait Islander communities rather than **for** them. While this issue now become a standard part of Government rhetoric, we are disappointed that we do not see it in action. False claims of this type severely erode confidence and trust in those who make them.

We believe a partnership between the government and our peoples, communities and organisations would create a sustainable set of structures to implement the SDG. While we want to focus on a positive future and not dwell on deficit and disadvantage thinking, a precondition for such a partnership must be to for governments and other stakeholders to acknowledge the atrocities of the past in order to understand the widespread existence and effects of intergenerational trauma.

National Congress is currently developing the details of a proposal that would develop such a partnership. We discuss it briefly here in outline and would value an opportunity to discuss it in more detail.

After extensive consultation across the country, First Peoples have united in our request for a Truth and Justice Commission – 'Makarrata.' Makarrata is a Yonglu word which means 'the coming together after a struggle' and denotes a process of peacemaking between people who have had been in conflict, guided by principles of justice. A Makarrata sees the conflicted parties coming to an agreement with which everyone is content, leading to a resolution. The Statement of the Heart goes on to say that Makarrata 'captures our aspirations for a fair and truthful relationship with the people of Australia and a better future for our children based on justice and self-determination.' This process is essential to heal after the atrocities of our nation's history marked by dispossession and the Frontier Wars, Stolen Generations, stolen lands and wages, and cultural destruction so that in the future we can stand side by side in a reconciled nation.

A Truth and Justice Commission¹ will achieve a number of extremely important goals. Firstly, it will address the intergenerational trauma which continues to be a barrier to flourishing for First Peoples. True reconciliation will remain elusive until our trauma is accepted and addressed.

Secondly, a comprehensive truth and justice process will keep culture alive and facilitate connection to culture, which has been demonstrated to improve health and social outcomes for Aboriginal and Torres Strait Islander peoples. Additionally, the Commission would result in a better understanding of our nation's history, lay the foundations for treaties, and foster compliance with international human rights obligations. In addition to reconciliation, the results of this process present the possibility of nation building in terms of recognition and appreciation of our unique heritage, improved international standing, and the emergence of new industries such as cultural tourism that could invigorate the economies of remote communities.

While ostensibly more extensive in scope than the narrow implementation of the SDG, we strongly believe that this approach will save the government money in the long run. The benefits of a truth and justice commission in addressing trauma and encouraging (re)connection to culture will tangibly improve social outcomes for First Peoples, reducing the need for welfare and social programs.

We acknowledge that the full development of such an idea will take some time, given the need for local input and national coordination. We envisage that some elements of our proposal, such as the setting up of a national office to coordinate local initiatives, could be achieved quickly. This office could also coordinate the setting of targets for the SDG and begin the process of obtaining local input for proposed solutions.

National Congress would be an ideal national office. We have extensive experience in coordinating and representing First Peoples across Australia, and excellent working relationships with member organisations, many of which are sectoral or regional peak bodies, and which would be instrumental in the Commission's processes.

Following the process in each region, a Keeping Place would be established. Keeping Places would record the history obtained by the Commission, as well as be a cultural hub for the region where First and non-Indigenous peoples alike can learn about the culture of the area's first inhabitants. Keeping Places would make the areas more culturally rich and vibrant, as well as encouraging tourism.

Such a proposal would entail a major commitment from the Australian Government.

RECOMMENDATION 5

The Australian Government should work closely with the National Congress of Australia's First Peoples to establish a Truth and Justice Commission

RECOMMENDATION 6

The Truth and Justice Commission should work with CoAG to establish priorities for treaties which may include targets in relation to the SDG priorities for Aboriginal and Torres Strait Islander Australians.

¹ As the Truth and Reconciliation Commission would be inclusive and cover all Aboriginal and Torres Strait Islander nations, it is more appropriate for it to have a neutral title. We have received feedback from traditional owners who have told us that it is not culturally appropriate to use a word from a particular Aboriginal language for a national Commission. Hence from this point on, rather than use the word, "Makarrata", we will use the term "Truth and Justice Commission".

Term of Reference (d) How can performance against the SDG be monitored and communicated in a way that engages government, businesses and the public, and allows effective review of Australia's performance by civil society

As we see it, in recent years, the Australian government appears to be uninterested in effective review by civil society. There has been too much “spin”, and suppression of advocacy and open review which is having a devastating impact on a commitment to democracy, and certainly to the practice of vibrant social participation. This problem also affects businesses and civil society as evidenced by the revelations of recent Royal Commissions. In our view, all sectors of society need to promote a culture of letting “the sun shine in” as well as external and impartial review to improve accountability.

Since 1788, there has been wilful ignorance and misinformation motivated by self-interest which has led to prejudice and discrimination against Aboriginal and Torres Strait Islander peoples. The palpable outcomes are distressing – not only for Aboriginal and Torres Strait Islander peoples, who bear the brunt of the deceit – but for all well meaning Australians, and indeed international observers. We see a truth and justice commission as a method of addressing the shortcomings of governments, the education system, and indeed civil society.

Unfortunately, in our view, the recent assault on liberal values in our society could make effective review of progress towards achieving the SDG by civil society very difficult. It is our perception that in recent years governments have become fearful of open review. The criticism and reduced funding of the Human Rights Commission is but one example but there are very many others, including the proposed crackdown on advocacy by not-for-profit organizations, and government contracts that prohibit public discussion of issues arising. Indeed, it has been suggested that the withdrawn of recurrent funding of National Congress was an attempt to avoid criticism.

However, we are hopeful that Australian governments will reassert the fundamental connection between liberalism and democracy. Such a connection would foster the desirability of openness, criticism and review of policies and performance as a major road to social progress. It is understandable that governments seek to portray themselves in a positive light. However, experience has shown Aboriginal and Torres Strait Islander Australians that Governments exaggerate their achievements.

In our view, the monitoring of Closing the Gap targets overall has not been very honest. Reports err on trying to show the government of the day in a positive light and seize on small (and often statistically insignificant) changes to claim success and present an optimistic outlook. It could be argued that the 2017 report is an exception. Clearly, a new strategy is required. This may be summarized as genuine collaboration with Aboriginal and Torres Strait Islander peoples, communities and organisations. In all likelihood, additional resources are also required, BUT we emphasize accountability.

We plead for a new approach which enables Aboriginal and Torres Strait Islander peoples to work with Governments to accurately delineate our problems, to devise solutions together, and to monitor progress in achieving them.

It is for this reason that we proposed the Voice to Parliament and why we remain so angry and disillusioned that it was summarily rejected out of hand. It is for this reason, too, that we propose a truth and justice commission, and the development of treaties, as determined by Government mandated consultation and outlined in the previous section. It is only through genuine,

collaborative partnerships with Aboriginal and Torres Strait Islander peoples that genuine progress will be made in implementing the SDG and in closing the gap.