

## 2019 NSW State Election

## SCORECARD

MARCH  
2019

In this 2019 NSW State Election Scorecard, ANTaR has provided a guide to the policies of the Liberal-National Coalition, the Labor and Greens parties, in relation to Aboriginal and Torres Strait Islander Affairs.

In early March 2019, ANTaR wrote to Premier Berejiklian, Opposition Leader Michael Daley and Greens NSW spokesperson, David Shoebridge seeking their parties' policies and election commitments relating to:

### 1. CLOSING THE GAP

**Closing the Gap** in life expectancy and health outcomes between Aboriginal and Torres Strait Islander peoples in NSW and their fellow non-Indigenous citizens;

### 2. JUSTICE AND JUSTICE REINVESTMENT

**Justice and Justice Reinvestment** to address the historically high incarceration rates in NSW;

### 3. OUT OF HOME CARE

How they will deliver **Out of Home Care** for Aboriginal and Torres Strait Islander children that avoids unnecessarily splitting up families and communities; and

### 4. TREATY

Undertaking a **Treaty process** in NSW to address the historical wrongs and move the state closer to reconciliation with its First Peoples.

To date, the NSW Labor and Greens parties have responded to ANTaR's request for policies relating to these issues. We have also drawn upon election platforms and public statements to provide this Election guide to inform your vote. We have only highlighted the major policy commitments. ANTaR has posted the written responses from the contesting political parties on our website – [www.antar.org.au](http://www.antar.org.au)

ANTaR recommends close consideration of the policies of the major parties contesting the NSW State election - and particularly the policies relating to Aboriginal and Torres Strait Islander peoples. We believe that justice, rights and respect for Australia's First Peoples should be a top order priority for the next NSW Government.







 **DON'T FORGET TO VOTE**

# 1. CLOSING THE GAP

In NSW, only two of the national Closing the Gap Strategy targets (out of seven) were considered on track – ‘early childhood education’ and ‘employment’<sup>1</sup>. In acknowledgement of government failure, the Council of Australian Governments recently committed to a formal partnership with peak First Peoples organisations to negotiate the ‘Refreshed’ targets and strategies under Closing the Gap by mid 2019<sup>2</sup>. However, it is imperative that state governments are proactive while waiting for this new partnership to deliver.

**We asked the parties:**

- 1) **What are they going to do to close the life expectancy gap and the gaps in health outcomes between Aboriginal and Torres Strait Islander peoples and non-Indigenous peoples in NSW**
- 2) **What are their policies to address Aboriginal housing conditions; and**
- 3) **How would they support community controlled health services?**

		
<p>Labor will move Aboriginal Affairs portfolio into the Department of Premier and Cabinet in order to ensure a whole-of-government approach to issues relevant to Aboriginal people and communities.</p> <p>Invest \$4m over four years to support the NSW Aboriginal Education Consultative Group to expand the STEM (Science, Technology, Engineering and Mathematics) Camps for Aboriginal students.</p> <p>Invest \$4m over four years to support the Girls Academy program. This program is an initiative of Role Models and Leaders Australia. The program empowers Aboriginal girls through: leadership training; mentoring; sport; and extra-curricular programs.</p> <p>Invest \$5m to support Cultural Burning. Funds to be allocated to local Aboriginal land councils to: allow Aboriginal people to exercise control over the land.</p>	<p>‘Housing first’ – reforms to crisis and transitional housing – and a commitment to match Federal government funding investment for housing and additional services with a focus on homelessness.</p>	<p>OCHRE is NSW government overarching community focussed plan for Aboriginal Affairs. It operates: Opportunity Hubs; Connected Communities; Aboriginal Language and Culture Nests – all aimed at improving participation, retention, outcomes in education.</p> <p>Funding of \$10m over four years for a social impact investment initiative in Aboriginal economic development.</p> <p>\$2.8m to establish the nation’s first Aboriginal Languages Trust.</p> <p>\$33.1m over four years for a new Aboriginal Social Housing Strategy.</p> <p>\$3.75m to support up to 1000 additional places to expand the Clontarf Foundation’s program in NSW schools as it works to improve education, life skills, self-esteem and employment prospects for young Aboriginal and Torres Strait Islander peoples.</p> <p>\$20m for a new Centre of Excellence, Kimberwalli, in Western Sydney, to ensure young Aboriginal people are at the forefront of economic development in Western Sydney.</p> <p>\$15m agreement between NSW Government and Murdi Paaki to improve quality and availability social housing in the region.</p>
<p> <b>NOT GOOD ENOUGH.</b>  <b>Closing the Gap in NSW needs far more investment and commitment.</b></p>	<p> <b>NOT GOOD ENOUGH.</b>  <b>Closing the Gap in NSW needs far more investment and commitment.</b></p>	<p> <b>NOT GOOD ENOUGH.</b>  <b>Closing the Gap in NSW needs far more investment and commitment.</b></p>

## 2. JUSTICE AND JUSTICE REINVESTMENT

The over-representation of Aboriginal and Torres Strait Islander peoples, both youth and adults, in the prison system is a national tragedy. Data from the NSW Law Society reports that the NSW Aboriginal population (2.9 per cent) accounts for 24 per cent of the NSW adult prison population; the rate of Indigenous arrest for violent crime has fallen significantly in the last 15 years but no corresponding decrease in Indigenous imprisonment.<sup>3</sup>

**We asked the parties:**

- 1) What are their policies to address: the over-representation of incarceration rates; funding for alternative models, particularly for Justice Reinvestment projects across NSW; and,
- 2) How do they intend to help address the incidence of family violence?







		
<p>Labor will provide \$4.5m for Justice Reinvestment, and trial following strategies: allocate resources for prevention and early intervention; focus on developing communities to address the underlying causes of crime; fund non-government organisations to undertake three trials of justice reinvestment strategies; establish a unit within the Department of Justice to coordinate the NSW Government's justice reinvestment initiatives and undertake and publish research.</p> <p>Establish the Walama Court – a specialist court for Indigenous offenders in the jurisdiction of the District Court. The Walama Court will involve community participation to improve the supervision of offenders. Community supervision will increase compliance with court orders and reduce recidivism.</p> <p>There will be no reduction in funding for Aboriginal Legal Services under Labor.</p> <p>Labor will \$158m over the next four years to address domestic, family and sexual violence. The funding will include examining opportunities to establish culturally appropriate refuges for Aboriginal women in areas with high need.</p>	<p>The Greens to introduce de-incarceration reform for Aboriginal and Torres Strait Islander people in jail for non-violent offences to be dated from 23 March 2019.</p> <p>Establish an independent NSW Justice Reinvestment body and a Justice Reinvestment Grants Fund of \$50m over five years<sup>4</sup>.</p> <p>Reform to be implemented over 2 years, chaired by an Aboriginal judge and intended as 2 year program applicable only to currently serving prisoners in order to break cycle of imprisonment.</p> <p>A parallel case management and ongoing resources plan to include drug and alcohol counselling for reintegration.</p> <p>\$310m over 4 years for specialist domestic and family violence.</p> <p>Implement with full participation of Aboriginal and Torres Strait Islander peoples, the outstanding recommendations from Royal Commission into Aboriginal Deaths in Custody; National enquiry into separation of Aboriginal children from their families; Breaking the silence, creating the future report; Bringing them Home Report.</p>	<p>Coalition to commit \$300,000 in first year of new Parliament to Maranguka Justice Reinvestment project in Bourke.</p> <p>Agreement between NSW Coalition of Aboriginal Regional Alliances (NCARA) and NSW Government to ensure inclusion of Aboriginal voice in design, delivery of services.</p>
<p> <b>A GOOD START.</b></p>	<p> <b>A GOOD START.</b></p>	<p> <b>While the NSW Coalition has provided good rhetorical support in Government for justice reinvestment and has collaborated with and supported Maranguka in Bourke, funding has been limited.</b></p>

## 3. OUT OF HOME CARE

Aboriginal and Torres Strait Islander children are 9.8 times more likely to be removed than non-Indigenous children, and this rate is sadly growing. We further note community objections to the recent NSW government legislation that imposes a cap of two years duration for out of home care before children can be permanently adopted. We think this law will have the effect of further breaking down cultural cohesion within Aboriginal communities in NSW<sup>5</sup>.

**We asked the parties:**

- 1) **What are their policies to reduce the removal of Aboriginal and Torres Strait Islander children from their families and communities?**

		
<p>Labor will repeal recent legislation: Children and Young Persons Care and Protection Act.</p> <p>Commit \$2m over 4 yrs to appoint an Aboriginal Child and Family Advocate.</p>	<p>The Greens will repeal damaging forced adoptions via the Child Protection Amendment Act 2018.</p> <p>Commit \$300m annually for early intervention services to families with children at risk due to poverty, domestic violence, inadequate housing, parental drug alcohol addiction.</p> <p>Increase age of leaving care to 21 years.</p> <p>Raise age criminal responsibility to 16 years.</p>	<p>Introduced and committed to Children and Young Persons Care and Protection Act.</p>
 <p><b>HALF WAY THERE.</b> Not enough work to support Aboriginal families.</p>	 <p><b>A GOOD START.</b></p>	 <p>Legislation was introduced without significant consultation and was strongly opposed by Aboriginal, community and legal organisations. As stated by ABSEC, this policy – ‘risks permanently removing an Aboriginal child from their family and culture, and further rupturing our communities with little chance for reunification.’<sup>6</sup></p>

## 4. TREATY

At the present time the Victorian, South Australian and Northern Territory governments have begun treaty processes in their jurisdictions. In 2010, Australia's First peoples were afforded official recognition in the NSW Constitution.

The *Uluru Statement from the Heart 2017*<sup>7</sup>, was the embodiment of the consensus position of First Peoples delegates from around Australia, seeking a voice within the Australian constitution. Among its three core priorities, the Statement identified the importance of *agreement making* at all levels. With growing momentum around Australia it is important that each state and territory consider treaty and agreement making processes to further reconciliation with the First Peoples of each jurisdiction.

**We asked the parties:**

**1) What is your policy position regarding a potential treaty process in NSW?**

		
<p>Labor will undertake community consultation to develop a pathway for Treaty or Treaties with the First Peoples of NSW.</p> <p>Will work with Aboriginal peak organisations to develop a process for Treaty.</p>	<p>The Greens believe NSW needs to move beyond discussions into implementation of treaties. This work must be in partnership with First Nations People.</p> <p>A truth and reconciliation Museum should be established in Sydney.</p>	<p>No public commitment to a Treaty Process to date.</p>
 <p><b>A GOOD START.</b></p>	 <p><b>HALF WAY THERE.</b>          The principles outlined are acceptable but there can be a more direct commitment to a Treaty process for NSW in response to the Uluru Statement.</p>	 <p><b>NO COMMITMENT.</b>          No public commitment to a Treaty Process to date.</p>

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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.

<sup>1</sup> 2019 Prime Minister's Closing the Gap Report - <https://www.pmc.gov.au/news-centre/indigenous-affairs/closing-gap-2019-report>

<sup>2</sup> COAG Meeting Communiqué – 12 December 2018 - <https://www.coag.gov.au/meeting-outcomes/coag-meeting-communique-12-december-2018>

<sup>3</sup> NSW Law Society, Election Platform 2019 - <https://www.lawsociety.com.au/2019-state-election-platform>

<sup>4</sup> NSW Greens - <https://greens.org.au/nsw/services#services>

<sup>5</sup> NSW Law Society, Election Platform 2019 - <https://www.lawsociety.com.au/2019-state-election-platform>

<sup>6</sup> AbSec Guardianship and Adoption - <https://www.absec.org.au/out-of-home-care.html>

<sup>7</sup> Uluru Statement from the Heart (2017) - [https://www.referendumcouncil.org.au/sites/default/files/2017-05/Uluru\\_Statement\\_From\\_The\\_Heart\\_0.PDF](https://www.referendumcouncil.org.au/sites/default/files/2017-05/Uluru_Statement_From_The_Heart_0.PDF)