

2021 WESTERN AUSTRALIA ELECTION SCORECARD | MARCH 2021

In this 2021 Western Australia (WA) State Election Scorecard, ANTaR has provided a guide to the policies of the WA Labor Party, the Liberal National Coalition parties, and the WA Greens, in relation to Aboriginal and Torres Strait Islander affairs in Western Australia.

In early January 2021, ANTaR wrote to the three major parties, seeking their policies and election commitments relating to:

1. TREATY

Despite the absence of national leadership on the issue, WA is well established in native title agreements with the Noongar peoples to address the historical wrongs of the nation's 'unfinished business' with its First Nations Peoples.

2. CLOSING THE GAP

With only two of the continuing targets on track in WA, there is renewed hope that progress will be improved with the commitment to 16 new targets to tackle Aboriginal and Torres Strait Islander disadvantage under the new National Agreement on Closing the Gap.

3. JUSTICE

Incarceration rates of First Nations Peoples in WA are the highest in the country. Despite this, the target of reducing Aboriginal and Torres Strait Islander incarceration in WA by almost a quarter by 2028 has been deferred indefinitely by the State Government.

4. HOUSING

Access to secure, safe and sustainable housing for First Nations Peoples is an issue of concern in WA, and progress continues to be slow nation-wide.

5. HERITAGE PROTECTION

After the destruction of the Juukan Caves in WA's Pilbara region in May 2020, there have been rising calls for much greater heritage protection across the country. Cultural heritage includes physical sites, language, traditions and many other elements that must be protected and celebrated.

At the time this Election Scorecard was produced, the WA Greens and the Liberal National Coalition parties had provided responses, which we have shared in full on our [website](#). We have drawn upon WA Labor's 2019 policy platform and any publicly available positions and announcements to inform our analysis.

ANTaR recommends close consideration of the policies of the major parties contesting the WA election – and particularly the policies relating to Aboriginal and Torres Strait Islander peoples.

 **DON'T FORGET TO VOTE**

1. TREATY

In 2018, the South West Native Title Settlement between six (6) individual Indigenous Land Use Agreement bodies and the WA government was finalised. The Settlement, the most comprehensive native title agreement in Australia, recognises the Noongar people as the traditional owners of the south-west region of WA.¹ Initiated by the Liberal National government, this is an historic example of the State's commitment to treaty with the First Nations Peoples of WA.

We asked the parties:

1. Can you detail how your Government will pursue the process of negotiating a treaty with the Aboriginal and Torres Strait Islander peoples of Western Australia, for a shared future?

		
<p>After initiating the Settlement negotiations when last in Government, the WA Liberal National parties have welcomed finalisation of the South West Native Title Settlement, and are committed to undertaking subsequent treaty negotiations in a manner consistent with the Uluru Statement from the Heart.</p>	<p>In government, WA Labor has finalised the largest native title settlement in Australian history, known as the South West Native Title Settlement.²</p> <p>Committed to progressing agreements based on native title recognition or alternative native title settlements in other areas of the State.</p> <p>Endorses the Uluru Statement from the Heart and is committed to achieving the outcomes of a First Nations Voice to parliament; a constitutionally enshrined process by which treaties could be made between first nations and government; and a truth and justice commission, which will ensure a generational process of healing.³</p>	<p>The WA Greens support a treaty process that ensures the obligations towards First Nations Peoples under international human rights conventions are honoured by State and Federal practice, and fulfilled at every level of decision making. Additionally, the treaty must be delivered in a genuine and forthcoming manner and the WA Greens have stated they will oppose moves to delay, frustrate, or deviate from the process.</p> <p>Plans for development and negotiation of treaties must be led by First Nations Peoples, and are committed to working with First Nations Peoples so that they are empowered to do this. The Greens recognise the right to self-determination and appropriate political representation, and are committed to truth, treaty, voice, and fulfilling commitments under the UN Declaration on the Rights of Indigenous Peoples.⁴</p>
 <p>MIXED The settlements are a good start but the two major parties need to take the next step.</p>	 <p>MIXED The settlements are a good start but the two major parties need to take the next step.</p>	 <p>THUMBS UP</p>


2. CLOSING THE GAP

The Prime Minister's Closing the Gap Report in 2020 stated that only two of the continuing national targets were on track in WA, these being early childhood education and year 12 or equivalent education rates.⁵

There is renewed hope that progress will be improved with the commitment to 16 new targets to tackle Aboriginal and Torres Strait Islander disadvantage under the new National Agreement on Closing the Gap.⁶

We asked the parties:

1. What will your Government be doing to meet its obligations under the new National Agreement?

		
<p>The WA Liberal National parties have committed to strengthening partnerships between the government and Aboriginal and Torres Strait Islander peoples through the building of community controlled organisations that support closing the gap.</p> <p>Will direct the Department of Premier and Cabinet (DPC) to coordinate a reform program across all government agencies and businesses to ensure they understand the issues impacting Aboriginal and Torres Strait Islander peoples in WA. As part of the reform program, the DPC and Cabinet will develop localised data that can aid communities in achieving the priority areas of closing the gap.</p> <p>Pledged to close the gap in mental health funding if elected. Will commit \$316 million towards a comprehensive plan, including investment in prevention programs, community support services, supported accommodation facilities and targeted youth and workforce programs.⁷</p> <p>Mental health investment including \$45.5 million to filling the gaps in mental health prevention services, \$35 million to funding a comprehensive State suicide prevention strategy, with specific youth and Aboriginal plans, \$35 million towards a youth action plan, and \$75 million towards ensuring schools have psychologists.⁸</p>	<p>If re-elected, the WA Labor party will commit \$4.8 million over four years to build a strong formal Aboriginal and Torres Strait Islander community controlled service sector in WA, which is a priority reform area under the new National Agreement on Closing the Gap.⁹</p> <p>Of the \$4.8 million, \$3.4 million will be used to fund grants for priority sectors of early childhood care & development, housing, health and disability. The remaining \$1.4 million will be used to establish a consortium of Aboriginal community controlled sectoral representatives which will guide the WA Aboriginal Health Council.¹⁰</p> <p>From the State budget, \$750 million has been committed to enhance the health and wellbeing of Aboriginal communities, with \$12.9 million specifically directed towards closing the gap.¹¹</p>	<p>The WA Greens have expressed support of the government's commitment to the new National Agreement on Closing the Gap.</p> <p>Support First Nations Peoples by way of supporting physical and mental health at a community level. Specifically, this includes supporting moves to fund and facilitate the effective operation of locally run, community driven, and culturally appropriate programs and health services.</p> <p>Expressed their strong support for Aboriginal Community Controlled Health Organisations (ACCHO's).</p> <p>Supports broader initiatives to decolonise mental health issues by supporting Indigenous practitioners and Indigenous concepts of mental health. Support for funding evidence-based suicide prevention programs and ensuring that all mental health programs intended for First Nations People follow best practice models.</p> <p>Support for greater maternity, post-natal, and paediatric services in regional WA.</p>
 <p>THUMBS UP Benefit of the doubt with the new Agreement.</p>	 <p>THUMBS UP Benefit of the doubt with the new Agreement.</p>	 <p>THUMBS UP Benefit of the doubt with the new Agreement.</p>

3. JUSTICE

The incarceration rates of First Nations Peoples in WA are the highest in the country, with more Aboriginal and Torres Strait Islander peoples now in prison than before Labor came into office in 2017.¹² In WA, 40 percent of people in prison identify as Aboriginal and or Torres Strait Islander¹³, with 4.1 percent of WA's First Nations community incarcerated, compared to the national rate of 2.6 percent.¹⁴ Despite these statistics, the target for reducing the number of First Nations Peoples in prison by almost a quarter by 2028 has been deferred indefinitely.

We asked the parties:

1. Can you inform us of your party's policies to address the persistent and ongoing over-representation of Aboriginal and Torres Strait Islander people incarcerated in WA?

		
<p>The WA Liberal National parties have committed \$8.2 million to developing the Kimberley Juvenile Justice Strategy. The initiative will encompass a three-year trial for an on-country juvenile justice and diversion program located in the Kimberley, delivered by a local non-profit organisation in conjunction with TAFE, the Department of Education, and the Department of Justice. The strategy will incorporate work training and skills development as an alternative to incarceration.</p> <p>Support the important role played by schools, police, non-government and government agencies in early intervention, and have committed to seeking 'locally based' input and solutions to penalties and rehabilitation.</p>	<p>As part of its 2019 policy platform, WA Labor publicly acknowledged that the high levels of social and economic disadvantage in First Nations communities have led to the over-incarceration of Aboriginal and Torres Strait Islander youth. The Party had committed to reducing the State's First Nations prison population by 23% in the next ten years, but this has been indefinitely deferred due to the 2020 pandemic.¹⁵</p> <p>Advocated for the importance of providing holistic, evidence-based support to First Nations Peoples in contact with the youth justice system.¹⁶ This support will encompass early intervention into intergenerational social issues and the implementation of restorative justice and rehabilitation programs, in addition to being co-designed in consultation with First Nations leaders and community organisations.</p> <p>As of 2019, WA Labor has committed \$6.2 million to deliver the Kimberley Juvenile Justice Strategy, in consultation with First Nations leaders, to develop and implement community-led initiatives to reduce youth offending.¹⁷</p> <p>Another \$11.3 million has been committed to expanding the delivery of Police and Community Youth Clubs across the State.¹⁸</p>	<p>The WA Greens have publicly committed to ending the disproportionate incarceration of First Nations Peoples through increasing equitable access to legal services and establishing restorative justice processes such as diversionary programs and tribal courts.</p> <p>Committed to removing any laws and policies that disadvantage Aboriginal and Torres Strait Islander peoples, such as mandatory youth sentencing, and also to introducing justice reinvestment initiatives that particularly target First Nations youth.</p> <p>Support for conducting performance and productivity reviews that ensure funds are allocated appropriately to the various stakeholders involved in the justice system.¹⁹ They will undertake research into stakeholders' existing practice frameworks in order to ensure best practice models are implemented.²⁰</p> <p>Support the implementation of all recommendations in the:</p> <ul style="list-style-type: none"> • The Royal Commission into Aboriginal Deaths in Custody, (1991)²¹ • Putting the Picture Together, (Gordon report (2002)²² • The Inquest into the 13 Deaths of Children and Young Persons in the Kimberley Region, (2019)²³ • The Aboriginal Customary Laws Final Report of the Law Reform Commission of Western Australia (2006).²⁴



THUMBS DOWN
 Much more needs to be done to address the chronic incarceration issues.



THUMBS DOWN
 Much more needs to be done to address the chronic incarceration issues.



THUMBS UP
 Delivering the recommendations from the last 3 decades would be a good start.



4. HOUSING

A key factor in closing the gap and supporting the health and wellbeing of Aboriginal and Torres Strait Islander peoples is access to a safe and secure home. Not having access to affordable or appropriate housing can have compounding negative consequences, contributing to disadvantages. Housing has become an extremely important issue since the beginning of the global pandemic in 2020, that has forced people to isolate at home. In 2016, 29.1 percent of the homeless population identified as Aboriginal and or Torres Strait Islander, which is a significant over-representation as only 3.7 percent of the State's population identify as Aboriginal and Torres Strait Islander.²⁵

We asked the parties:

1. What are your party's policies to secure adequate and sustainable housing for First Nations Peoples in WA, in particular the work you will undertake to achieve:

- increased home ownership amongst First Nations Peoples;
- increased availability of housing assistance services;
- a high quality of housing for Aboriginal and Torres Strait Islander peoples; and
- a reduction in rates of Aboriginal and Torres Strait Islander homelessness?

		
<p>No public position has been provided on the issue of housing in relation to First Nations Peoples in WA specifically. However, the WA Liberal National parties have committed \$57.5 million to providing safe and secure accommodation for WA's general homeless population.²⁶</p> <p>Promised to provide 500 extra beds as immediate relief to WA's homeless population within the first six months of being elected.²⁷</p>	<p>As part of its 2019 policy platform, WA Labor has acknowledged the disproportionate representation of First Nations Peoples in public housing and the relationship between housing and health. They have voiced their commitment to rectifying current inequalities in access to safe and secure housing services.</p> <p>Aims to achieve this through providing training to First Nations housing workers, and facilitating the full participation of First Nations communities in the design and construction of housing that fulfils their cultural, social and political needs.²⁸</p> <p>Supports private rental loans as an early intervention tool to help First Nations communities sustain their tenancy.²⁹</p>	<p>The WA Greens have expressed First Nations Peoples' right to access equal services including housing. They believe access to housing should both be community-led and culturally responsive, and is committed to working with First Nations leaders in order to ensure equal access.³⁰ The WA Greens have promised to prioritise quality public housing as a prerequisite for addressing health disparities among First Nations communities.³¹</p> <p>The WA Auditor General to conduct annual audits and performance/ productivity measures of government and non-government agencies responsible for service delivery to First Nations Peoples' communities. This would ensure the existing housing system meets requirements and 'quality of life' indicators.</p> <p>Support the development of cosmopolitan regional centres, relieving the housing burden in the Perth metropolitan area, and support First Nations Peoples' regional settlements on Country. In order to address the housing deficit and plans to directly fund job creation opportunities in residential construction across the State.</p>
 <p>THUMBS DOWN Not enough to see this issue addressed.</p>	 <p>THUMBS DOWN Not enough to see this issue addressed, wasted period in Gov.</p>	 <p>MIXED</p>




5. HERITAGE PROTECTION

On 24 May 2020, mining giant Rio Tinto destroyed two 46,000 year old rock shelters at the Juukan Gorge in the Pilbara region of WA, the traditional owners being the Puttu, Kinti Kurrama and Pinikura peoples.³² Inquiries by both the Law Council of Australia and the Parliament of the Commonwealth of Australia have detailed recommendations in order to prevent such mass level 'destruction, devastation and vandalism of cultural sites.'³³ Additionally, both identify that cultural heritage laws at the Commonwealth, and State and

Territory levels have failed to incorporate and conceptualise the rights that First Nations Peoples have to lands and waters, and the importance of this connection in the diverse cultures of First Nations Peoples.³⁴ As heritage protection is largely a State government responsibility.

We asked the parties:

1. What are your parties' plans to protect and preserve Aboriginal and Torres Strait Islander cultural heritage sites across Western Australia?

		
<p>The WA Liberal National parties have committed to working closely with WA Labor to deliver legislation that strikes a balance between creating jobs and protecting Indigenous cultural heritage.</p>	<p>As part of its 2019 policy platform, WA Labor promised to adequately resource First Nations Peoples to manage and protect First Nations' heritage areas.³⁵</p> <p>Focused on protecting the WA's natural heritage and biodiversity, and recognises that the participation of First Nations land managers are critical to this task.</p> <p>First Nations' cultural heritage should be appropriately protected with a statutory regime that allows First Nations Peoples to determine the significance of their heritage and negotiate agreements accordingly.³⁶</p> <p>Released a consultation draft of a new Aboriginal Cultural Heritage Bill (Sep 2020).³⁸ As of 13 November 2020, the Bill was not tabled. While there is broad agreement about the direction of the new Bill, stakeholder responses indicate over 60% dissatisfaction with numerous aspects of the Bill including weakness for the voices of traditional owners.³⁹</p>	<p>The WA Greens support the recommendations of the recent Parliamentary inquiry into the destruction of the Juukan Gorge and the intent of the recommendations from the Law Council of Australia.</p> <p>Propose replacing the Aboriginal Heritage Act (1972) with contemporary legislation that reflects and genuinely protects the true significance and importance of cultural heritage.⁴⁰</p> <p>Supports the return of items of cultural heritage to the rightful owners and custodians with government funding and assistance.</p> <p>Support the prohibition of the manufacture and sale of items purporting to be of Aboriginal heritage in nature without cultural and intellectual property certification.⁴¹</p> <p>Will identify, recognise and protect all sites on land or waters that have cultural significance, including World Heritage Listing for Murujuga (the Burrup Peninsula and Dampier Archipelago).⁴²</p> <p>Will amend the Mining Act (1978) to require potential proponents to enter into agreements with all relevant First Nations Peoples during the project development stage, to ensure free prior and informed consent; and ensure First Nations communities are positioned as the informed key decision makers.⁴³</p>



THUMBS DOWN
 Both major parties have failed and these commitments don't do enough.



THUMBS DOWN
 Both major parties have failed and these commitments don't do enough.



THUMBS UP

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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.

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.

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CLOSING THE GAP

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HERITAGE PROTECTION

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