

ANTaR



POLICY PLATFORM

NSW Election 2015

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1. ANTaR NSW

ANTaR NSW's vision is Aboriginal peoples in communities across NSW enjoying the same respect, life chances and rights as their fellow Australians, with Aboriginal cultures respected and valued as integral to Australia's identity.

Our goal is to undertake informed, specialised campaigning and mobilise support that achieves justice and self-determination for Aboriginal people in New South Wales.

ANTaR NSW:

- Lobbies decision makers on issues of Aboriginal justice and empowerment;
- Creates and supports opportunities for Aboriginal people to have influence against injustice;
- Works with individuals, communities, local reconciliation groups and other organisations to educate all about the injustices of the past & present, and the need to reconcile non-Aboriginal and Aboriginal Peoples in order to properly rectify these injustices.
- Informs ourselves, our members and the wider public about challenges, successes and opportunities relating to Aboriginal justice;
- Opposes racism and engenders respect and
- Connects with others, particularly Aboriginal peoples, to identify needs and opportunities for change.

This document identifies key priorities for reconciliation, Aboriginal rights and social justice. ANTaR NSW is seeking commitments from parties seeking election to the NSW Parliament on 28 March 2015 and from an incoming NSW Government to respond to and implement these priorities.

There are a number of other issues that affect Aboriginal peoples in NSW including (but not limited to) constitutional recognition, commitments to close the gap in health inequality, economic development, housing, land management, education & training, human rights and the implementation of the UN Declaration on the Rights of Indigenous People. An incoming NSW Government must recognise that the issues that affect Aboriginal peoples in NSW are multifaceted and diverse, and that coordinated approaches in collaboration with Aboriginal communities, community controlled organisations and between different levels of government must be implemented to support measures to ensure that Aboriginal peoples have the same life opportunities as non-Aboriginal peoples.

ANTaR NSW has developed a series of submissions relating to these issues that are available on the ANTaR NSW website – <http://nsw.antar.org.au/>.

2. Justice

ANTaR NSW seeks a commitment to building safer communities and reducing the number of Aboriginal people in prison through the implementation of Justice Reinvestment.

In New South Wales, Aboriginal young people make up just 3% of the general population, but over half of the detention population. Aboriginal young people are 28 times more likely to be placed in juvenile detention than non-Aboriginal young people. We believe this is a crisis that must be addressed.

ANTaR NSW is seeking a commitment to a multi-partisan approach to developing and implementing a Justice Reinvestment Plan for NSW that would:

- Ensure cross-departmental support, facilitation and implementation of community-driven justice reinvestment initiatives creating new organisational systems and smarter outcomes.
- Focus on increasing community safety, reducing crime, reducing incarceration, reducing recidivism and reducing long-term justice costs.
- Remove barriers to justice reinvestment including by reallocating resources into crime prevention and diversionary programs, increasing greater transparency of, and access to, data for communities, developing a framework of ongoing research, monitoring and evaluation of justice reinvestment.

Justice Reinvestment is a data driven approach that diverts funds into early intervention, crime prevention and diversionary programs, creating savings in the criminal justice system, which can be tracked and reinvested. It aims to address the underlying causes of crime and improve outcomes for both individuals and communities.

Tough on crime policies have failed the people of NSW, it's time to think differently. This state needs a safer, smarter approach, we cannot afford to lose another generation of Aboriginal young people to the criminal justice system.

The underlying causes of crime are varied and complex and individuals who have come into contact with the justice system are highly likely to have experienced multiple and severe social and economic disadvantage, including poverty and inter-generational trauma.

For more information about the successful Justice Reinvestment pilots being implemented in NSW, and the Just Reinvest NSW campaign which is supported by ANTaR, visit <http://www.justreinvest.org.au>.

3. Culture and Heritage

ANTaR NSW calls on an incoming NSW Government to commit to improving protection of Aboriginal culture and heritage in NSW by prioritising the reform of the Aboriginal culture and heritage system in NSW. The model for reform must be endorsed by peak Aboriginal organisations and Aboriginal peoples.

It is well recognised that there is a strong link between Aboriginal culture and indicators of socio-economic outcomes, in particular the positive impact culture has on Aboriginal peoples overall wellbeing.

ANTaR NSW is of the view that Aboriginal people in NSW have inherent ownership of, and right to control and manage Aboriginal culture and heritage.

In NSW, the main law which protects Aboriginal culture and heritage is the *National Parks and Wildlife Act 1974*, which generally provides that all Aboriginal objects are considered to be the property of the Crown. This law is outdated and ineffective in protecting Aboriginal heritage and providing for Aboriginal people's rights and interests. In October 2013 the NSW Government released a Government model for reform, but these reforms appear to have stalled.

ANTaR NSW calls on an incoming NSW Government to prioritise the reform of the Aboriginal culture and heritage system in NSW. In this process, an incoming NSW Government must:

- Focus on creating ways to better recognise, protect and promote Aboriginal culture and heritage, including in development processes,
- Recognise the culture and heritage roles of Aboriginal groups and organisations in any reform proposals and models,
- Genuinely engage Aboriginal communities in decisions about Aboriginal culture and heritage,
- Ensure that timeframes for the development of a model allows for proper consultation and meaningful input from Aboriginal peoples, and
- Ensure that there is consultation with Aboriginal peoples on a draft Bill prior to the introduction of the Bill into NSW Parliament.

Any reforms must recognise the rights of Aboriginal peoples to ownership of their culture and heritage and to exercise free, prior and informed consent (as specified in the United Nations Declaration on the Rights of Indigenous Peoples to which Australia is a signatory) in decision-making regarding Aboriginal culture and heritage.

4. Crown lands review

ANTaR NSW seeks a commitment from an incoming NSW Government for good faith cooperation, collaboration and transparency in the Crown lands review process. Crown Lands in NSW are public lands that must be managed in a way which recognises and protects the culture and heritage in those lands, facilitates the rights of Traditional Owners over those lands, Aboriginal peoples and Aboriginal Land Councils, and the maintains the ability of Land Councils to make claims through the *Aboriginal Land Rights Act*.

The Crown Land Estate represents approximately 42% of the NSW landmass, with 580,000 individual parcels of land.

Crown Lands, particularly Travelling Stock Routes, are also home to a significant number of Aboriginal culture and heritage sites. Traditional Owners, through the native title system, have made a number of claims over Crown Lands, which are currently being considered by the courts. Where Aboriginal People are able to prove that they are the Traditional Owners of an area, that they have maintained their traditional laws and cultural connections to that land, and that their traditional land title has survived all that has happened to that land since colonisation, their rights as native title holders can be recognised. These rights can range from the right to access land for cultural purposes through to the right to manage and control that land.

In addition to native title, under the *Aboriginal Land Rights Act 1983* (NSW) Aboriginal Land Councils can made claims to Crown Lands that are not needed for an essential public purpose. Land Councils must manage their lands the benefit of all Aboriginal people in their community. There are a

large number of land claims over Crown Land, which the State Government has not processed - in some cases for more than 10 years.

In June 2012 the NSW Government began a review into the management of Crown land. It is expected that this review will continue in 2015.

It is imperative that changes to the way Crown land is owned and managed in NSW does not further disadvantage Aboriginal people by reducing their ability to claim vacant Crown land under the *Aboriginal Land Rights Act 1983* or by diminishing the involvement of Aboriginal people in decisions about land, or by undermining or extinguishing their rights to that land under native title.

Throughout the review process very limited detail was provided regarding the conduct and the scope of the review and implications for Aboriginal land rights or native title. ANTaR NSW seeks a commitment from the incoming NSW Government that the compensatory and remedial intent of the *Aboriginal Land Rights Act* will not be undermined by the review process or in new Crown lands laws, or native title.

ANTaR NSW advocates for Aboriginal peoples interests in Crown land to be embedded in proposals relating to Crown land management and ownership.

ANTaR NSW is also concerned to ensure that best practice land management is embedded in any new proposals relating to how Crown land is owned and managed. Best practice land management should include community, cultural and environmental considerations.

5. Education

ANTaR NSW seeks from the incoming NSW Government a commitment that education programs and curriculum are developed to support Aboriginal cultural identity and Aboriginal community involvement in decision making. ANTaR NSW seeks assurances from an incoming government that the Aboriginal education budget is quarantined from budget cuts.

An incoming government must ensure that Aboriginal students throughout NSW benefit from education programs and curriculum that support cultural identity and community involvement in decision making.

ANTaR NSW supports initiatives that work towards students transitioning to further education and employment. These initiatives must have an emphasis on teaching Aboriginal languages and culture at school with the involvement of community members including Elders and must support Aboriginal communities' involvement in decision-making.

Aboriginal students are particularly vulnerable to the consequences of government education budget reductions. ANTaR NSW seeks an assurance from an incoming government that budget allocations to Aboriginal education are quarantined from budget cuts, and that some recent funding decisions are reversed. In particular budgets for funding for preschools, specialist assistance such as specialist teachers, Aboriginal Education Officers and Assistants, Home School Liaison Officers, teacher's aides and school counsellors must not be reduced, and in fact should be supported by an increased budget allocation. This would support measures to close the education gap between Aboriginal and non-Aboriginal students.

Additionally, ANTaR NSW seeks to ensure the Gonski reform allocations for Aboriginal students will be quarantined under school global budgets for principals to spend only in consultation with Aboriginal students and their Aboriginal community.

Aboriginal students will be among the hardest hit as a result of the federal government's 2014 budget announcement that it will not fund the bulk of the six year Gonski reforms. Literacy programs and remedial support are among measures at risk.

6. TAFE

ANTaR NSW seeks from the incoming NSW Government a commitment to a greater investment in TAFE funding, to ensure more Aboriginal people have access to training skills and support.

Access to TAFE courses has long been recognised as an important pathway for young Aboriginal people to complete secondary schooling or to transition from school to work.

ANTaR NSW is concerned about the reduction in TAFE courses available, the impact of increased fees and charges, the commercial imperatives and quality control on private colleges, more limited fee exemptions and the tendency for TAFE to give priority to profitable courses.

ANTaR NSW has reported concerns that, for example:

- the majority of diploma courses will now only be offered commercially with high fees and charges for full cost recovery;
- exemptions for Aboriginal people under Smart and Skilled may no longer apply after the first entitlement;
- subsidised courses such as the Diploma of Aboriginal Studies have been phased out in favour of a similar commercial course requiring much higher fees and charges and probably student debt under the so-called "Fee Help". This will prevent many or most Aboriginal students from enrolling;
- OTEN Aboriginal Studies courses which gave advanced standing at some universities have been discontinued or fully commercialised with high fees and charges, thus reducing the number of potential high level success stories of students as have previously occurred, e.g. one progression to a qualified doctor of medicine;
- Aboriginal students particularly those on Centrelink payments have less access to computers than non-Indigenous students, making it more difficult to utilise on-line learning and resources ; and
- Funding cuts have prevented the preparation of some on-line units.

ANTaR NSW calls on an incoming NSW Government to commit to having cuts reversed and supporting a greater investment in TAFE funding. We urge an incoming NSW Government to work to ensure TAFE remains the best, most widely available and affordable provider of vocational education and training for Aboriginal students in NSW.

7. Closing the Gap in Indigenous Disadvantage

ANTaR NSW calls on the NSW Government to champion the continuation of a nationally co-ordinated approach to Closing the Gap through the Council of Australian Governments and to advocate for the inclusion of justice targets in the framework. NSW must commit to making NSW progress more transparent through a state-level annual Closing the Gap progress report to NSW Parliament.

Efforts to close the life expectancy gap between Aboriginal and Torres Strait Islander people and non-Indigenous Australians has resulted in an increase nationally in life expectancy of 1.6 years for Aboriginal and Torres Strait Islander men and .06 year for Aboriginal and Torres Strait Islander women.

These absolute gains have been welcomed by the Close the Gap Campaign, however there still remains a 10-year life expectancy gap nationally between Aboriginal and Torres Strait Islander people and other Australians. If we are to achieve health equality by 2030 renewed and invigorated commitment is required from all levels of government. NSW specific results and progress should be made public.

A nationally co-ordinated and adequately resourced implementation plan for the National Aboriginal and Torres Strait Islander Health Plan, including an investment in primary health care services is required.

For more information see the Closing the Gap campaign: www.oxfam.org.au/closethegap

ANTaR NSW calls on the incoming government to play a leading role on the Council of Australian Governments to ensure that the effort to close the life expectancy gap remains a national priority.

ANTaR also calls on the state government to report to the NSW Parliament on their contribution to 'closing the gap' in Indigenous disadvantage covering progress on the following building blocks of the 'Closing the Gap' Framework:

- Early childhood
- Economic participation
- Governance and leadership
- Health
- Healthy homes
- Safe communities
- Schooling

One of the key areas where we are failing to close the gap is in justice. More than 20 years into the Royal Commission into Aboriginal Deaths in Custody the gap between the proportion of Aboriginal and non-Aboriginal people being jailed is growing - and growing fastest in relation to Aboriginal children and women.

It is for this reason that ANTaR NSW believes that Justice Targets as part of the Safe Communities building block of the Closing the Gap Framework are an essential element to reducing unacceptable incarceration rates around the nation.

ANTaR NSW calls on the incoming government to champion the need for Justice Targets through the Council of Australian Governments.

8. Further information

For further information, please contact the ANTaR NSW on (02) 9280 0060 or PO Box 77, Strawberry Hills, NSW 2012.