



# **Submission to the Labor Party National Platform**

**May 2018**

**Contact:**

Paul Wright  
National Director

Email: [paul@antar.org.au](mailto:paul@antar.org.au)  
Phone: 0412 415 556  
[www.antar.org.au](http://www.antar.org.au)  
PO Box 77  
Strawberry Hills NSW 2012

**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 Australian Labor Party's (ALP) draft National Platform prior to the Party's National Conference later this year.

ANTaR welcomes the opportunity to provide some specific feedback on the policy platform of a future Labor Government, particularly as those policies relate to Aboriginal and Torres Strait Islander peoples.

In conjunction with this submission, we refer to ANTaR's submission to the Closing the Gap Refresh process to help inform ALP policy in relation to the Closing the Gap Strategy going forward. That submission is attached separately.

We commend the ALP for the prominence of First Nations Peoples throughout the draft National Policy and hope for a much greater focus from a future Labor Government on supporting Aboriginal and Torres Strait Islander peoples to address the challenges faced in 2018 and beyond.

Fundamental to any policies regarding First Nations Peoples is the principle of 'self-determination'.

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

As we said in our submission to the Closing the Gap Refresh process, 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.<sup>1</sup> So far, this commitment has not been met. We hope a future Labor Government would go further than any rhetorical commitment and deliver on the principle of self-determination at the core of every policy relating to Australia's First Nations Peoples.

Finally, ANTaR and our many supporters are heartened and encouraged by the growing number of Aboriginal and Torres Strait Islander peoples that are now Members and Senators of the Australian Parliament. The strength, authority and determination of Senator Dodson, Ms Linda Burney and Senator McCarthy as First Nations peoples within the Federal Labor Party is a credit to the ALP.

It should be a priority of the Labor Party to build on this foundational caucus of Aboriginal and Torres Strait Islander parliamentarians and support more First Nations leaders to be joining them in Parliament.

Thanks again for this opportunity to comment on the National Platform and we ask to be kept informed on the progress of the Platform going forward.

## **Economic participation and resourcing**

1. Regarding the suggestion of accessing superannuation early (44. on page 15), we urge caution. The first goal is to rapidly increase the life expectancy, closing the gap and making this measure unnecessary. The criticisms made of similar proposals regarding early superannuation access to fund property purchases would apply here.
2. Noting that minerals and resources wealth and the mining industry is mentioned a few times throughout the draft Platform (135,137 on page 58), it is important that Aboriginal and Torres Strait Islander peoples, as traditional owners of the land, are able to determine for themselves how they draw from the wealth of their land. Policies must ensure their rights are protected from exploitation.
3. We welcome the use of government procurement policy (34. on page 174) to grow Aboriginal and Torres Strait Islander businesses. This policy must be more than token and should include business development assistance beyond the government procurement contracts.
4. ANTaR recommends the adoption of the Aboriginal Peak Organisations Northern Territory (APO NT) principles about how government and non-government organisations work with Aboriginal and Torres Strait Islander organisations to deliver services. Any partnerships between Aboriginal organisations and non-Indigenous organisations must be based on a commitment to build the capacity of the Aboriginal organisation, a commitment to cultural competency and appropriate development practice, include clear exit strategies for the non-Indigenous organisations and include robust evaluation and accountability.<sup>ii</sup>
5. All policies relating to First Nations Peoples must be properly resourced for success. To do this, detailed costing (and cost-benefit analysis) must be undertaken and appropriate resourcing matched, over the life of every policy, strategy, plan and framework. The Productivity Commission, and the promised Aboriginal and Torres Strait Islander Commissioner,<sup>iii</sup> should be tasked with undertaking this work alongside their regular reporting on 'Overcoming Indigenous Disadvantage' and 'Indigenous Expenditure'.<sup>iv v</sup>

## **Health**

6. ANTaR commends the National Platform's inclusion of systemic racism as an issue requiring considerable focus (9. on pg 107; 43. on pg 117; 68-69 on pg 122). The Platform would be strengthened with the inclusion of specific measures that a future Labor Government will undertake to address systemic racism, such as the adoption of a racism barometer in the health system, an audit of institutional racism across all relevant sectors and the expansion of programs that directly address systemic racism.
7. The Platform would benefit from some specific commitments on how ALP would 'increase the numbers of ~~and~~ Aboriginal and Torres Strait Islander people at all levels of the health workforce, with an ambition to achieve parity across all professions; and Ensure that cultural safety training be provided to staff as part of the accreditation process for health services.' (56. on page 117). The Aboriginal and Torres Strait Islander peak health organisations, represented on the National Health

Leadership Forum (NHLF), should be engaged to determine the how to achieve these necessary priorities. The Health sector is the largest employer of Aboriginal and Torres Strait Islander peoples and is a critical element to closing the gap.

8. The last Labor Government introduced the National Aboriginal and Torres Strait Islander Health Plan 2013-2023 (NATSIHP). The subsequent Coalition Government built upon this plan with the development of the NATSIHP Implementation Plan.<sup>vi</sup> This has been an encouraging bi-partisan approach to health specific policies. However, the Implementation Plan has never been costed or directly funded and the priority 'health systems' actions and deliverables are still to be undertaken. The ALP should commit (68. on page 119) to prioritising the systems actions such as mapping core services and the finalisation of funding methodologies. The NATSIHP Implementation Plan in its next iteration must be properly costed and then funded across the life of the plan and shaped to complement the Closing the Gap Strategy.
9. We note the draft Platform's commitments to support the Community Controlled health sector (68. on page 119), however, the commitment should extend to make the Aboriginal Community Controlled Health Organisations the preferred providers of health services for First Nations Peoples. The Close the Gap Campaign has long called for this measure to put Community Controlled health at the centre of the response to health inequalities.
10. ANTaR welcomes a focus on the 'social and cultural determinants of health' (69. on page 120), however, we suggest that cultural determinants be separated out from for social determinants as they are two very different concepts.
11. ANTaR supports the concept of 'subsidiarity' with placed-based decision making authority having been devolved to the regional or community level. Regional or community authority to determine services is one way to actualise self-determination.

#### Mental Health, Social & Emotional Wellbeing

12. The National Platform needs to provide more explicit action and commitments on how a future Labor Government will address mental health and suicide prevention in Aboriginal and Torres Strait Islander communities. This includes by addressing the social determinants that contribute to mental health problems and suicide through the broader COAG Closing the Gap process. Critically, it must involve empowering communities to address upstream factors that can contribute to mental health problems and suicide, and to strengthen social and emotional wellbeing, culture and other sources of resilience that can protect against life stressors.
13. Aboriginal Community Controlled Health Services should also be funded to provide increased mental health services in communities and mainstream mental health and suicide prevention services must be required to be physically accessible, culturally safe and to ensure culturally competent treatment options (92. on page 126). The National Strategic Framework for Aboriginal and Torres Strait Islander Peoples' Mental Health and Social and Emotional Wellbeing 2017 – 2023, developed under Aboriginal and Torres Strait Islander leadership, sets out a clear pathway to better social and emotional wellbeing and mental health for Aboriginal and Torres Strait Islander peoples that includes the above elements. However, it relies on

being properly funded and implemented through the Fifth National Mental Health and Suicide Prevention Plan implementation process in order to make a difference.

14. The Gayaa Dhuwi (Proud Spirit) Declaration of the National Aboriginal and Torres Strait Islander Leaders in Mental Health (NATSILMH) is already required to be implemented by Article 12.3 of the Fifth National Mental Health and Suicide Prevention Plan. To support this process, NATSILMH have developed a Gayaa Dhuwi (Proud Spirit) Declaration implementation guide that can be accessed on their website ([natsilmh.org.au](http://natsilmh.org.au)). The Gayaa Dhuwi (Proud Spirit) Declaration requires a 'best of both worlds' approach to Aboriginal and Torres Strait Islander mental health including by ensuring access to cultural healing and clinical treatments. It also envisages a significant expansion of the Aboriginal and Torres Strait Islander mental health workforce and the promotion of Aboriginal and Torres Strait Islander leadership in relevant parts of the mental health system.
15. The Platform should prioritise, as a minimum, the implementation of the National Strategic Framework for Aboriginal and Torres Strait Islander Peoples' Mental Health and Social and Emotional Wellbeing 2017 - 2023 and the Gayaa Dhuwi (Proud Spirit) Declaration through the Fifth National Mental Health and Suicide Prevention Plan implementation process.<sup>vii</sup> Finally, the ALP should consider the inclusion of closing the gap targets relating to mental health and suicide prevention activity to monitor the progress of efforts to address this issue.

#### Closing the Gap Strategy

16. We note that the draft National Platform does not reference or address the Closing the Gap 'Refresh' process that has been underway since March 2017. While the Refresh process has been flawed, with poor engagement and rushed consultation, there has been a lot of time invested by peak organisations, communities and leaders in trying to shape what the Closing the Gap Strategy does over the next 10 years. We suggest considering and adopting the recommendations of the Close the Gap Campaign's 'Ten Year Review' of the Strategy, released in February 2018.<sup>viii</sup> The Review calls for reinvigorated infrastructure (planning, funding and agreements) to underpin the Strategy.
17. 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.
18. 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.
19. As discussed above, the reformed Closing the Gap 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.
20. 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.

21. Also discussed extensively in the Close the Gap Campaign's 2018 Review is the need to return the Strategy to the commitments made in the *Close the Gap Statement of Intent* in 2008.<sup>ix</sup>
22. 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.
23. 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.

### **Justice and violence**

24. ANTaR commends the commitment of the ALP to include justice targets into the Closing the Gap Strategy. The necessary work needed to help young Aboriginal and Torres Strait Islander people from having to engage with the Justice system – through justice reinvestment – must be a priority. The draft National Platform should go further than just 'support' for reinvestment (72. on page 139) but rather, it must articulate how it will action reinvestment programs at the community level. The Australian Law Reform Commission's *Pathways to Justice* report recommendations should be used as a guide to implementation.<sup>x</sup>
25. Regarding the violence faced by Aboriginal and Torres Strait Islander women and children (68. on page 139), as the Change the Record Campaign has called for, the ALP should commit to establishing a national plan, through COAG, to address family violence against Aboriginal and Torres Strait Islander women and children. This plan should be complemented by a reinstatement of funding for the National Family Violence Prevention Legal Services Program.

### **Disability**

26. The draft National Platform must go much further in outlining how a future Labor Government will work to support First Nations peoples with disabilities (94. on page 141). The work of the First Peoples Disability Network is critical and they should be given sustainable funding to continue their essential advocacy for this vulnerable group in society. It is important that there is funding and access to strategies that ensure that Aboriginal and Torres Strait Islander people with disability can equitably access the NDIS.

### **Housing**

27. Housing is a critical, foundational element contributing to the social determinants of health. Past governments, both Labor and Coalition, have failed to adequately address the quantity and quality of housing for Aboriginal and Torres Strait Islander

communities across Australia. As the draft Platform states ‘having an affordable, secure and appropriate home with reasonable access to services is essential...’, and it is true that we are in a ‘housing crisis’ (149, on page 147; 163-166, pg 149).

28. This crisis is acute for many Aboriginal communities and a future Labor Government must make this a first order priority to address. An extensive financial commitment and close collaboration with state and territory governments is overdue and should be explicitly committed to.

### **Children**

29. ANTaR welcomes the commitment around Aboriginal and Torres Islander children and the focus on supporting families (11. on page 131; 66-70 on pg 139). We suggest the inclusion of specific measures that have been advocated for by the Family Matters Campaign and the Secretariat of National Aboriginal and Islander Child Care (SNAICC), including:
- a. an additional Closing the Gap target should be included to eliminate the overrepresentation of our children in out-of-home care by 2040, with sub-targets that address the underlying causes of child protection intervention; and
  - b. the current Closing the Gap target on early childhood education should be strengthened to encompass early childhood development and expanded to close the gap in outcomes for all Aboriginal and Torres Strait Islander children from birth to 4 years by 2030.<sup>xi</sup>

### **Human Rights**

30. The United Nations Declaration on the Rights of Indigenous Peoples<sup>xii</sup> (UNDRIP) was adopted by the General Assembly in 2008 and the last Federal Labor Government announced its support for the Declaration in 2009.<sup>xiii</sup> The UNDRIP has still not been translated into meaningful action by government and Australia is now failing its obligations to its First Nations Peoples as outlined in the Declaration. The ALP should make an explicit commitment to outline in a plan how it will implement/ensure the obligations of the UNDRIP (11. on page 131; 51 on pg 137). It needs to be more than just stated support but rather a plan of detailed action.
31. The Uluru Statement, presented by a broad coalition of 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. The draft National Platform references (45. on page 136) commitments to recognition and support for some of the calls made in the Uluru Statement but falls short of making a direct and explicit commitment to the Uluru Statement itself. This should happen.
32. In calling for a Voice in the Constitution, and a Makarrata commission that will lead a process of Treaty and truth-telling - the First Nations peoples at Uluru have outlined some key vehicles to propel a recognition and reconciliation process.<sup>xiv</sup>



## References:

---

- <sup>i</sup> 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>>
- <sup>ii</sup> Aboriginal Peak Organisations NT (APO NT) principles - <http://www.amsant.org.au/apont/wp-content/uploads/2015/02/21070504-APO-NT-Partnership-Principles-Updated-version.pdf>
- <sup>iii</sup> Minister Nigel Scullion – Media Release – February 2018  
<https://ministers.pmc.gov.au/scullion/2018/indigenous-productivity-commissioner-step-closer-reality>
- <sup>iv</sup> *Indigenous Expenditure Report 2017, Productivity Commission* -  
<https://www.pc.gov.au/research/ongoing/indigenous-expenditure-report>
- <sup>v</sup> *Overcoming Indigenous Disadvantage Report 2016, Productivity Commission* -  
<https://www.pc.gov.au/research/ongoing/overcoming-indigenous-disadvantage/2016>
- <sup>vi</sup> National Aboriginal and Torres Strait Islander Health Plan Implementation Plan 2013-2023 (2015) -  
<http://www.health.gov.au/natsihp>
- <sup>vii</sup> Gayaa Dhuwi (Proud Spirit) Declaration (2015) -  
<http://natsilmh.org.au/pledge-support-for-the-gayaa-dhuwi-proud-spirit-declaration>
- <sup>viii</sup> A Ten-year Review: The Closing the Gap Strategy and Recommendations for Reset (2018) Close the Gap Campaign - <https://www.humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/close-gap-10-year-review>
- <sup>ix</sup> Close the Gap Statement of Intent (2008) - <https://www.humanrights.gov.au/publications/close-gap-indigenous-health-equality-summit-statement-intent>
- <sup>x</sup> Australian Law Reform Council 'Pathways to Justice' Report (2018) -  
<https://www.alrc.gov.au/publications/indigenous-incarceration-report133>
- <sup>xi</sup> SNAICC Submission to the Closing the Gap Refresh Process (2018) - <http://www.snaicc.org.au/snaicc-submission-closing-the-gap-refresh-process-april-2018/>
- <sup>xii</sup> United Nations Declaration on the Rights of Indigenous Peoples -  
<https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>
- <sup>xiii</sup> 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>
- <sup>xiv</sup> The Uluru Statement (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)