



2017-18 Commonwealth Budget

Submission to the Department of the Treasury

19 January 2017



1. Introduction

1.1 Background

Reconciliation Australia is the national organisation promoting reconciliation between the broader Australian community and Aboriginal and Torres Strait Islander peoples. Our vision is to build an Australia that is reconciled, just, and equitable for all. To do so, we are dedicated to building relationships, respect and trust between Aboriginal and Torres Strait Islander peoples and other Australians. We believe a reconciled Australia is one where:

- Positive two-way relationships built on trust and respect exist between Aboriginal and Torres Strait Islander and non-Indigenous Australians throughout society.
- Aboriginal and Torres Strait Islander Australians participate equally and equitably in all areas of life—i.e. we have closed the gaps in life outcomes—and the distinctive individual and collective rights and cultures of Aboriginal and Torres Strait Islander peoples are universally recognised and respected—i.e. Aboriginal and Torres Strait Islander people are self-determining.
- Our political, business and community institutions actively support all dimensions of reconciliation.
- Aboriginal and Torres Strait Islander histories, cultures and rights are valued and recognised as part of a shared national identity and, as a result, there is national unity.
- There is widespread acceptance of our nation's history, and agreement that the wrongs of the past will never be repeated.

In 2016, Reconciliation Australia launched the [State of Reconciliation in Australia report](#) (the Report). The Report highlights five inter-related dimensions of reconciliation, and makes recommendations on how we can progress reconciliation.

These five dimensions are:

- race relations
- equality and equity
- unity
- institutional integrity
- historical acceptance.

The five dimensions do not exist in isolation; they are interrelated and Australia can only achieve full reconciliation if we progress in all five dimensions.

1.2 Executive Summary

Government investment in Aboriginal and Torres Strait Islander affairs has been crucial to moving the nation closer toward realising the five dimensions of reconciliation. This submission recommends the next steps and relevant investments the Federal Government should take to reset the relationship with Aboriginal and Torres Strait Islander peoples and meaningfully address Aboriginal and Torres Strait Islander disadvantage.

This year, the nation will reflect on 50 years since the successful 1967 referendum, 25 years since the High Court's *Mabo* decision, and 20 years since the delivery of the *Bringing them home* report. These anniversaries are a reminder of how much has changed, and how much remains to be done. A genuine commitment from all levels of government to listen, and follow through with informed policy and appropriate action, is critical.

1.3 Summary of recommendations

Recommendation 1: Renew funding arrangements with the National Congress of Australia's First Peoples (Congress) and adequately resource all nationally representative Aboriginal and Torres Strait Islander peak organisations.

Recommendation 2: Convene and adequately resource regular high-level ministerial and departmental meetings and forums with all relevant nationally representative Aboriginal and Torres Strait Islander peak organisations and forums.

Recommendation 3: Ensure future funding under the Indigenous Advancement Strategy, or any other Federal Government funding programs, places greater emphasis on service/needs mapping with local Aboriginal and Torres Strait Islander organisations as preferred providers.

Recommendation 4: Adequately resource swift action to implement the recommendations of the Referendum Council's consultation process, following the delivery of the Council's report in mid-2017.

Recommendation 5: Renew investments and agreements under the Closing the Gap framework with State and Territory governments and national Aboriginal and Torres Strait Islander health representative bodies. This includes adequate funding for the *Implementation Plan for the National Aboriginal and Torres Strait Islander Health Plan (2013 – 2023)*.

Recommendation 6: Expand investments and agreements under the Closing the Gap framework to address areas for urgent national action, including the reduction of incarceration, family violence and the number of children in out-of-home care in Aboriginal and Torres Strait Islander communities.

Recommendation 7: Adequately resource rigorous evaluation and continuous quality improvement strategies for Aboriginal and Torres Strait Islander programs.

Recommendation 8: Continue to fund the implementation of the *National Anti-Racism Strategy 2010-2020*, including adequate resources to continue its public awareness campaign, *Racism. It Stops With Me*.

Recommendation 9: Resource and coordinate a comprehensive reparation scheme that addresses the recommendations of the *Bringing them home* report, including aspects of truth, justice, healing and a genuine commitment to never repeat the wrongs of the past.

Recommendation 10: Provide adequate resources to build culturally strong, community-led healing solutions through the national body on healing, the Healing Foundation.

2. Invest in respectful relationships with Australia's First Peoples

2.1 Background

Reconciliation Australia knows that stronger relationships built on trust, shared knowledge and respect are essential to creating a more prosperous and reconciled nation for all Australians. If government investment is to deliver sustained, positive outcomes for Aboriginal and Torres Strait Islander peoples, government must work in genuine partnership with Aboriginal and Torres Strait Islander people and their representative bodies. In addition, the Australian Government has an obligation to uphold the principles of the United Nations Declaration of the Rights of Indigenous Peoples, particularly the right to self-determination.

A solid body of evidence shows that policies developed through genuine collaboration and partnerships are more likely to succeed, creating a sense of ownership and empowerment among those affected. For example, the Commonwealth Government has a long history of funding and developing policy in close collaboration with the Aboriginal Community Controlled Health Services (ACCHS) sector since the 1970s¹. The ACCHS sector has gone from strength to strength, with a nationally funded representative body, National Aboriginal Community Controlled Health Organisation (NACCHO), and over 150 ACCHSs across the country. The ACCHS sector recently reported Aboriginal people are accessing ACCHS in more areas around Australia since 2015, resulting in mums and babies in better health, less smokers and a small extension of Aboriginal life expectancy.²

Internationally, approaches based on self-determination are proving more successful, too. Over two decades of research, the Harvard Project of American Indian Economic Development (the project) has consistently demonstrated that when Native nations make their own decisions about what development approaches to take, they consistently out-perform external decision makers on matters as diverse as governmental form, natural resource management, economic development, health care, and social service provision.³

Through learnings taken from the project, Reconciliation Australia now conducts the Indigenous Governance Awards (IGA) program every two years. Based on Reconciliation Australia's experience conducting the IGA program over the last 10 years, we know there are many diverse and innovative models of Aboriginal and Torres Strait Islander governance that deliver positive outcomes across Australia. These models include very effective, culturally appropriate, transparent and accountable governance mechanisms that in some cases do not fit neatly into mainstream frameworks. Often, these organisations are the lifeblood of their communities, delivering critical services in ways mainstream organisations cannot. Aboriginal and Torres Strait Islander organisations employ and train local people, provide purpose, structure and stability to their communities and empower Aboriginal and Torres Strait Islander people to take control of their own lives.

In contrast, numerous reviews of the rollout of the Federal Government's Indigenous Advancement Strategy (IAS) reveal the negative impacts that a lack of collaboration and partnerships can have. The Senate Standing Committee on Finance and Public Administration reported on findings of its inquiry into the IAS tendering process in March 2016. The committee found that the IAS tendering process lacked collaboration, was rushed and provided poor transparency, resulting in negative impacts on smaller Aboriginal and Torres Strait Islander organisations and gaps in services delivery.⁴ Further research also suggests that of 1082 Indigenous-specific programs funded by Federal, State and Territory governments, 797, or 74 per cent, are delivered by non-government organisations.⁵ Reconciliation Australia also awaits the outcomes of the Australian National Audit Office's performance audit of the IAS, due to be tabled February 2017.

In June 2016, Reconciliation Australia supported the call of eighteen united Aboriginal and Torres Strait Islander organisations for a more just approach to Aboriginal and Torres Strait Islander Affairs. The Redfern Statement provides the Federal Government an unprecedented nation-building opportunity. It outlines a clear set of priorities to reset the relationship with Aboriginal and Torres Strait Islander

¹ NACCHO (2016) *Introduction – the need for NACCHO*. Available at <http://www.naccho.org.au/about-nacho/naccho-history/>.

² AIHW, Healthy Futures—Aboriginal Community Controlled Health Services Report Card 2016, 2016. Available at <http://www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=60129557718>.

³ The Harvard Project on American Indian Economic Development (2010-2015) *Overview of the Harvard Project*. Available at <http://hpaied.org/about>.

⁴ Senate Standing Committees on Finance and Public Administration (2016) *Commonwealth Indigenous Advancement Strategy tendering processes*. Available at http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Finance_and_Public_Administration/Commonwealth_Indigenous/Report.

⁵ Sara Hudson (2016) *Mapping the Indigenous program and funding maze*. Available at <https://www.cis.org.au/publications/research-reports/mapping-the-indigenous-program-and-funding-maze>.

peoples and to meaningfully address Aboriginal and Torres Strait Islander disadvantage. Reconciliation Australia strongly recommends the Federal Government consider and adopt the actions outlined in this statement.

2.2 Recommendations

Recommendation 1: Renew funding arrangements with the National Congress of Australia's First Peoples (Congress) and adequately resource all nationally representative Aboriginal and Torres Strait Islander peak organisations.

Recommendation 2: Convene and adequately resource regular high-level ministerial and departmental meetings and forums with all relevant nationally representative Aboriginal and Torres Strait Islander peak organisations and forums.

Recommendation 3: Ensure future funding under the Indigenous Advancement Strategy, or any other Federal Government funding programs, places greater emphasis on service/needs mapping with local Aboriginal and Torres Strait Islander organisations as preferred providers.

3. Support constitutional recognition and discussion on treaties and agreement making

3.1 Background

Constitutional recognition of Aboriginal and Torres Strait Islander peoples is a long-sought milestone on Australia's reconciliation journey. This year, Australia will reflect on 50 years since the successful 1967 referendum that gave the Commonwealth Parliament the power to legislate for Aboriginal people and to include Aboriginal people in the Census. This milestone is a reminder that Australians overwhelmingly support the inclusion of Aboriginal and Torres Strait Islander people in the modern Australian nation. Reconciliation Australia's 2016 Australian Reconciliation Barometer survey findings also find that 77 per cent Australians in the general community and 93 per cent Aboriginal and Torres Strait Islander Australians believe Aboriginal and Torres Strait Islander cultures are important to Australia's national identity.⁶

Whilst the 1967 referendum went some way to repair the historical exclusion of Aboriginal and Torres Strait Islander people from the life of the nation, the fact remains that the Australian Constitution still treats Aboriginal and Torres Strait Islander peoples as if they do not exist, and still recognises that people can be discriminated against because of their race. Australia is the only country in the world that allows for racial discrimination in its constitution, and also lags behind other countries that have recognised Indigenous peoples in their founding documents.⁷

Whilst a referendum is the only way to recognise Aboriginal and Torres Strait Islander people in the Australian Constitution and remove racially discriminatory clauses from it, constitutional recognition is by no means the final chapter in Australia's reconciliation journey. Matters such as treaties, agreement-making and sovereignty are important to Aboriginal and Torres Strait Islander peoples. Until these matters concerning the colonisation of Australia are addressed, reconciliation will remain unfinished.

Key to progressing matters of constitutional recognition and treaty is a process which contributes to a more unified and reconciled nation. Crucially, any model for constitutional recognition or treaty must be

⁶ Reconciliation Australia (2016) *Australian Reconciliation Barometer 2016*. Results yet to be published.

⁷ Recognise (2016) *Around the World*. Available at <http://www.recognise.org.au/youth/explore/>.

in accord with the wishes of Aboriginal and Torres Strait Islander peoples. Reconciliation Australia supports the current process of the Referendum Council to discuss and build recommendations for the model for constitutional recognition with Aboriginal and Torres Strait Islander people. However, Reconciliation Australia also cautions against repeating ineffectual government responses, such as those seen around the Report of the Expert Panel and the Joint Select Committee on Constitutional Recognition.

3.2 Recommendations

Recommendation 4: Adequately resource swift action to implement the recommendations of the Referendum Council's consultation process, following the delivery of the Council's report in mid-2017.

4. Recommit to and expand on Closing the Gap targets

4.1 Background

Long-term, consistent and coordinated government efforts are critical to improving life outcomes and opportunities for Aboriginal and Torres Strait Islander peoples. The Closing the Gap targets, agreed and developed through the Council of Australian Governments (COAG) in 2008, provide a common and transparent framework for all governments to work towards equality and equity for Aboriginal and Torres Strait Islander peoples. However, many of the Closing the Gap agreements funded by Federal, State and Territory governments have now come to an end. These circumstances provide a critical opportunity for the Federal Government to engage collaboratively with State and Territory governments, in consultation with Aboriginal and Torres Strait Islander communities, to renew these important investments and agreements. The development of the *Implementation Plan for the National Aboriginal and Torres Strait Islander Health Plan (2013 – 2023)* in 2015 is an example of a positive step toward renewing agreements across all levels of government. Now in the fourth year of the plan, the vision, principles and priorities of the plan are at risk unless the Federal Government allocates adequate resources to its implementation.

Evidence suggests that the Closing the Gap framework is helping to improve life outcomes and opportunities. The Productivity Commission reports that outcomes have improved in many areas of Aboriginal and Torres Strait Islander health, economic participation and aspects of education in the past few decades. In particular, the report highlights improvements in some COAG targets, namely life expectancy, young child mortality and year 12 attainment.⁸ However, worsening national imprisonment rates and hospitalisation rates for self-harm are a wake-up call that national action is required beyond the existing seven COAG targets. The national imprisonment rate has increased 77 per cent over the last 15 years, and hospitalisation rates for self-harm have increased by 56 per cent over the last decade.⁹ Reconciliation Australia also notes that in comparison with non-Indigenous women, Aboriginal and Torres Strait Islander women are 34 times more likely to be hospitalised from family violence and 10 times more likely to be killed as a result of violent assault. Aboriginal and Torres Strait Islander children also represent one in every three children in out-of-home care¹⁰. The Closing the Gap framework must be more comprehensive and expanded to address these key areas for urgent national action.

⁸ SCRGSP (Steering Committee for the Review of Government Service Provision) (2016) *Overcoming Indigenous Disadvantage: Key Indicators 2016*. Available at <http://www.pc.gov.au/research/ongoing/overcoming-indigenous-disadvantage/2016>.

⁹ Ibid.

¹⁰ Reconciliation Australia (2016) *The State of Reconciliation in Australia*. Available at https://www.reconciliation.org.au/wp-content/uploads/2016/02/The-State-of-Reconciliation-report_FULL_WR.pdf.

Whilst improvements in some COAG targets are encouraging to see, projected gains are not on track to meet the life expectancy target by 2030. The Australian Health Ministers' Advisory Council estimates that life expectancy for Aboriginal and Torres Strait Islander males has increased by 0.32 years per year since 2005–07, and by 0.12 years per year for Aboriginal and Torres Strait Islander females. However, to meet the life expectancy target by 2030, gains of 0.6 to 0.8 years per year are needed.¹¹ It is clear that improvements need to be identified in Aboriginal and Torres Strait Islander program delivery. However, a lack of rigorous evaluation makes it difficult to implement continuous quality improvement strategies. A recent review of Indigenous programs and funding by the Centre for Independent Studies found that only 88, or 8 per cent, of the 1082 Indigenous-specific programs identified in the review, have been evaluated. Further, the review identified multiple issues with the methodologies used in the evaluations, including: limited information on performance data to measure the effectiveness of programs; difficulties in attributing outcomes to programs because of a lack of comparative data; and over-reliance on anecdotal evidence.¹² Adequate evaluation is a clear area for improvement in Aboriginal and Torres Strait Islander program delivery.

4.2 Recommendations

Recommendation 5: Renew investments and agreements under the Closing the Gap framework with State and Territory governments and national Aboriginal and Torres Strait Islander health representative bodies. This includes adequate funding for the *Implementation Plan for the National Aboriginal and Torres Strait Islander Health Plan (2013 – 2023)*.

Recommendation 6: Expand investments and agreements under the Closing the Gap framework to address areas for urgent national action, including the reduction of incarceration, family violence and the number of children in out-of-home care in Aboriginal and Torres Strait Islander communities.

Recommendation 7: Adequately resource rigorous evaluation and continuous quality improvement strategies for Aboriginal and Torres Strait Islander programs.

5. Invest in public anti-racism campaigns

5.1 Background

Reconciliation can only progress when positive relationships built on trust and respect, that are free from racism, exist between Aboriginal and Torres Strait Islander peoples and other Australians across all parts of society. Racism remains a lived reality for many Aboriginal and Torres Strait Islander people. Of great concern, Reconciliation Australia's 2016 Australian Reconciliation Barometer survey findings show that experiences of racism are only increasing. Forty-six per cent of Aboriginal and Torres Strait Islander Australians have experienced verbal racial abuse in the last 6 months, compared to 31 per cent in 2014. Findings also show these experiences occur across a wide range of settings including health, education, law-enforcement and employment.¹³ This directly affects the lives of Aboriginal and Torres Strait Islander people, because they feel less confident to do everyday things such as access health services, attend school or apply for a job. Racism breaks down relationships, erodes trust and undermines social progress. It does more than hurt people's feelings; it denies Aboriginal and Torres Strait Islander peoples the right to fully participate in the social and economic life of the nation.

¹¹Australian Health Ministers' Advisory Council (2015) *Aboriginal and Torres Strait Islander Health Performance Framework 2014 Report*. Available at <https://www.dpmc.gov.au/resource-centre/indigenous-affairs/aboriginal-and-torres-strait-islander-health-performance-framework-2014-report>.

¹²Sara Hudson (2016) *Mapping the Indigenous program and funding maze*. Available at <https://www.cis.org.au/publications/research-reports/mapping-the-indigenous-program-and-funding-maze>.

¹³ Reconciliation Australia (2016) *Australian Reconciliation Barometer 2016*. Results yet to be published.

5.2 Recommendations

Recommendation 8: Adequately resource the implementation of the *National Anti-Racism Strategy 2010-2020*, including adequate resources for the public awareness campaign, *Racism. It Stops With Me*.

6. Develop a deeper reconciliation process to achieve truth, justice and healing for Aboriginal and Torres Strait Islander peoples

6.1 Background

Australia's colonial history is characterised by the dispossession and marginalisation of Aboriginal and Torres Strait Islander peoples. This dispossession and marginalisation has occurred through a history of conflict, as well as active policies to segregate and assimilate Aboriginal and Torres Strait Islander peoples and cultures. This year, the nation will reflect upon 20 years since the Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families (*Bringing them home* report) was delivered to the Australian Government. The report documents a legacy of trauma and loss that continues to affect Aboriginal and Torres Strait Islander communities, families and individuals today.

The *Bringing them home* report makes 54 recommendations for recognition and reparations to the Stolen Generations. However, in 2015, the National Sorry Day Committee reported that of the 54 recommendations in the *Bringing them home* report, 13 had been implemented or partially implemented; 34 had not been, or mostly not been implemented; and seven were in progress.¹⁴

Nationally, a national Link-Up network was created to reconnect those removed from their families, an apology was formally provided by Prime Minister Kevin Rudd on behalf of the Australian Parliament in February 2008. The Healing Foundation was established in 2009 to promote healing in Aboriginal and Torres Strait Islander communities.

At a state level, Tasmania, South Australia and New South Wales are all in various stages of implementing monetary compensation schemes. The Tasmanian Government implemented a \$5 million scheme in 2006 under the *Stolen Generations of Aboriginal Children Act 2006* (Tas), which provided for compensation to be distributed between living members of the Stolen Generations and the children of those who had died. The South Australian Government is currently implementing a \$6 million individual reparations scheme for South Australian members of the Stolen Generations, and \$5 million will be allocated to creating a Stolen Generations Community Reparations Fund. The New South Wales Government has committed to establish a Stolen Generations reparations scheme to enable ex-gratia payments to all surviving children removed by the Aborigines Welfare Board, in recognition of their loss of connection to their family and culture.

These are all very significant steps forward for our nation.

While the concept of reparations in the *Bringing them home* report includes monetary compensation, it also recommends that reparations should consist of actions guided by the van Boven principles, namely that reparations should consist of:

1. acknowledgment and apology

¹⁴ National Sorry Day Committee (2015) *national Sorry Day Committee Scorecard Report 2015*. Available at <http://apo.org.au/node/54628>.

2. guarantees against repetition
3. measures of restitution
4. measures of rehabilitation, and
5. monetary compensation.¹⁵

Twenty years on from the delivery of the *Bringing them home* report, it is clear that Federal and State Government efforts to implement the recommendations have been mixed and is far from complete. Therefore, Reconciliation Australia believes there is urgent need for a fully coordinated and comprehensive response to the recommendations of the *Bringing them home* report by all levels of government, and we urge the Federal Government to take a leadership role in this respect. In particular, Reconciliation Australia calls on the Federal Government to coordinate a comprehensive reparation scheme that addresses all five measures of reparations outlined in the *Bringing them home* report. It is essential that such a scheme include aspects of truth, justice, healing and a genuine commitment to never repeat the wrongs of the past into the future.

6.2 Recommendations

Recommendation 9: Resource and coordinate a comprehensive reparation scheme that addresses the recommendations of the *Bringing them home* report, including aspects of truth, justice, healing and a genuine commitment to never repeat the wrongs of the past.

Recommendation 10: Provide adequate resources to build culturally strong, community-led healing solutions through the national body on healing, the Healing Foundation.

1. Conclusion

This year, reconciliation will be in sharp focus once again. Public conversations and interest in the place of Aboriginal and Torres Strait Islander peoples and cultures in our national identity will come to the fore as we celebrate numerous anniversaries reflecting Australia's reconciliation journey. The Federal Government is well placed to reset the relationship with Aboriginal and Torres Strait Islander peoples and meaningfully address Aboriginal and Torres Strait Islander disadvantage. The Redfern Statement provides the Federal Government with an unprecedented direction from a unified group of Aboriginal and Torres Strait Islander leaders. Well-accepted evidence and recommendations for better policy and outcomes for Aboriginal and Torres Strait Islander peoples is readily available. A genuine commitment from all levels of government to listen and follow through with informed policy and appropriate action is critical.

¹⁵ Human Rights and Equal Opportunity Commission (1997), *Bringing them home: Report of the national Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*. Available at <https://www.humanrights.gov.au/publications/bringing-them-home-appendix-9-recommendations>.