

Alex Robson
Acting Chair, Productivity Commission

Dear Mr Robson,

Submission to the Productivity Commission Review of the Closing the Gap Agreement

Humanists Victoria promotes humanist ethics for justice and carries out policy development and community education advocacy on justice issues. We welcome the opportunity to comment. The Closing the Gap (CTG) Agreement has a fundamental flaw, which is that the principles that First Nations peoples see as addressing the underlying causes of the gap aren't stated. Yet we know that the answer to closing the gap must come from our First Peoples.

The process of reform can't be assessed if the substantive causes of the problem being assessed aren't clear.

It is Humanists Victoria's submission that the principles of reconciliation, self-determination and justice, which have been consistently identified by First Peoples as key, need to underpin the CTG Agreement if it is to be genuinely transformative in its impact on the lives of First Peoples.

The stated purpose of this current Inquiry is to

1. analyse progress on Closing the Gap against the four Priority Reform outcome areas in the Agreement;
2. analyse progress against all of the socioeconomic outcome areas in the Agreement; and
3. examine the factors affecting progress"

From Inquiry Terms of Reference (TOR).

The Inquiry TOR limit the questions about the CTG Agreement largely to the instrumental outcomes, rather than first identifying the causes of the gap, and then posing the principles upon which solutions to those causes might be developed.

The TOR then represent a closed system, as though improving the already decided outcomes is in itself the justification for, and subject matter of, reform.

The Agreement should identify and addresses the underlying causes of the gap to ensure its objectives actually work to close the gap.

The community must be able to judge what policy and program measures are required to achieve the Agreements purpose. This in turn requires identifying a set of principles which if implemented would close the gap. The gap is a symptom, and if the causes aren't identified the Agreement can't be properly assessed for potential effectiveness.

Humanists Victoria sees little prospect of systemic change in the relationship between the indigenous and non-indigenous communities until the Agreement enshrines as principles what First Nations communities want- self-determination, empowerment and justice.

In terms of the impact of the Agreement on the community of reform (which should be a key outcome), clarity around the purpose of the CTG Agreement is required if it is to contribute to transforming the community consensus on what changes are necessary in the relationship between the indigenous and non-indigenous communities.

How systemic change requires the underpinning principles to be clear

Humanists Victoria support our first peoples' call for self-determination and empowerment, and fairness and equity.

There are models for enshrining these principles in reform measures. Those principles underpin the current *Victorian Treaty Negotiation Framework*, signed in 2022 between the State Government and the First Peoples Assembly. The principles are in Sections 2.4 and 2.5 of that Framework.

The aligned Yoorrook Justice Commission, a truth telling body examining systemic historical mistreatment of indigenous people, further clarifies that reconciliation requires the truth to be known, before healing can begin. Reconciliation becomes the identified aim, based on the implementation of the above principles.

These Treaty framework principles represent the best opportunity for transformation in our view. In contrast the CTG Agreement appears to be limited to reforming the workings of historical service outcomes, and addressing the deficiencies identified.

We submit that the gap is a function of systemic racism and white paternalism. Until the indigenous-nominated principles of self-determination, empowerment, justice and equity underpin the change processes, and are declared to underpin the Agreement, neither the outcomes themselves nor the required community consensus about the importance of transformation, will change. Both are required for reconciliation. In turn unless there is reconciliation, the gap will not close.

Improving partnerships in, and indigenous community-control of, services alone will not fundamentally change outcomes for indigenous peoples.

This approach isolates some possible useful instrumental outcomes from the root of the problem, the causes of the gap. And in turn this distracts from focus on the solutions asked for by First Nations peoples. The latter should drive reform.

Involvement of first people's communities in service design is crucial, but this is secondary or even tertiary to the need to state and implement the principles that transform engagement between indigenous communities and the non-indigenous, if we are to close the gap.

Reconciliation will come when the priority principles of First Nations are implemented, and not if the status quo is maintained with modest reforms.

What you want, and where you start, determines where you get to. The Australian community has to change its understanding of the treatment of our first peoples for there to be real change.

The first Nations generated principles that represent the aims of that change must be the starting point for the CTG Agreement.

Conclusion

In the current CTG Agreement the word justice is used seven times, but only in the context of the criminal justice system, never as an underpinning principle. Self-determination is mentioned three times but only in the context of (indigenous) community-controlled organisations, never as a principle underpinning the Agreement as a whole.

While the Inquiry's draft report does better, these key terms are still largely used instrumentally, to refer to policy and program outcomes internal to the existing system.

These terms need to be used to call for the implementation of indigenous community-generated aims, to move to reconciliation.

The non-indigenous community needs to understand the truth of the lived experience of our first peoples for change to be real. It needs to listen to what that the indigenous community wants.

The Victorian Treaty Framework identifies the principles First Nation peoples nominate as the basis for Treaty, and for reconciliation.

The Victorian Yoorrook Commission's focus on truth telling, of all knowing the truth as necessary for reconciliation is also key. The emphasis on principles should, in our submission, be the approach taken in reforming the Agreement.

Humanists Victoria calls for the CTG Agreement to be expanded to become a document for reconciliation through justice and truth telling, and more than a form of service agreement for service provision.

Closing the gap requires a profound transformation of the Australian communities understanding of the history of oppression, and the dispossession of sovereign first peoples.

What won't close the gap is continuation of the historical approach to relations with first peoples, which is doing what the non-indigenous community thinks our first peoples need, rather than listening and acknowledging what First Peoples say they want, and what principles and values they prioritise. This is the only real way to reconciliation, and therefore to closing the gap.

Date of Submission 6 October 2023. For information contact James Wilson, Executive Officer
Authorised by Jennie Stuart, President, Humanists Victoria