

# **SUBMISSION BY THE NORTHERN AND CENTRAL LAND COUNCILS TO THE CLOSING THE GAP REFRESH INITIATIVE**

**APRIL 2018**

## **Introduction**

This submission is made jointly by the Northern Land Council (**NLC**) and the Central Land Council (**CLC**) (**Land Councils**), both independent statutory authorities established under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) (**Land Rights Act**). A key function of the Land Councils is to express the wishes and protect the interests of traditional Aboriginal owners throughout the Northern Territory. The members of the Land Councils are chosen by Aboriginal people living in each Land Council's respective area. The Land Councils are also Native Title Representative Bodies recognised under the *Native Title Act 1993* (Cth) (**Native Title Act**) to promote the interests of native title holders across the Northern Territory.

To assist Australian Governments in assessing this submission in respect of the Closing the Gap Refresh (**Refresh**), it has been structured in accordance with the questions asked for individuals wishing to respond online to the Discussion Paper produced by the Council of Australian Governments (**COAG**).

It is requested that this submission, along with others made in response to the Refresh initiative, is published as soon as possible on the Closing the Gap Refresh website. In the meantime, the Land Councils intend to publish this submission on their respective websites.

### **1. Do you have any general comments?**

*1.1 The COAG process for Refreshing the Closing the Gap framework needs to be strengthened to allow for the full and genuine involvement of Indigenous peoples in the design, consultation and decision making processes.*

For the Refresh framework to be effective, it needs the full involvement of Indigenous peoples in its design, and agreement from COAG. This much has already been acknowledged by COAG in statements made on its Closing the Gap Refresh website including:

*“Australian governments acknowledge they need to work differently with Aboriginal and Torres Strait Islander Peoples”; and*

*“This includes genuine partnership with Indigenous leaders, organisations and communities, to identify the priorities that will inform better programs and services, to close the gap.”*

It is acknowledged that COAG is making an effort to seek the views of Indigenous peoples on the Refresh through:

- roundtable forums (**Roundtables**) which have been held in various locations across Australia;
- organising a Special Gathering of prominent Aboriginal and Torres Strait Islanders to coincide with the COAG’s first meeting for 2018 (**Special Gathering**); and
- providing the opportunity for individuals and organisations to make online structured responses.

However, these consultation mechanisms are merely a continuation of those that have occurred in the past, and do not amount to a change in the way Australian governments engage with Indigenous peoples. Nor do they allow for anything tantamount to full involvement by Indigenous people in the Refresh, nor the formation of a partnership. The Land Councils’ concerns about the Refresh process so far are:

- a) The lack of a governance structure, established by COAG, that includes representation of national Indigenous peak bodies and which has direct input in respect of the design and implementation of the Refresh consultation process. Although representatives of the National Congress of Australia’s First Peoples are attending the Roundtables, this is far from having prior input in respect of the consultation process under a formal governance structure that embodies a partnership;
- b) Further to the above, there has been no prior agreement between COAG and Indigenous representative bodies, particularly our national peak bodies, which sets out the details of the consultation process. Accordingly, COAG has unilaterally decided when, who, how and what to consult about. Nor has a timeline for a formal consultation process, which shows the steps in the lead-up to decision-making deadlines for COAG, been disseminated. As a result, there has been considerable

confusion in the Indigenous sector about the process, uncertainty about dates and milestones in the process; accordingly there is a lack of confidence in the process among Indigenous leaders. This lack of confidence has been exacerbated by the fact that initiatives such as the Special Gathering have been organised at late notice, without allowing sufficient time for delegates to prepare themselves adequately;

- c) The resources made available on the Refresh website, and distributed at the Roundtables are inadequate. It is imperative that Indigenous community members and organisations have access to high-quality and informative resources to enable them to participate effectively in the consultation process. The resources omit any mention of COAG's National Indigenous Reform Agreement (**NIRA**), the historic platform for the Closing the Gap framework which addresses how Australian governments intend to achieve the Closing the Gap targets. It is of great concern to the Land Councils that the NIRA is not being used as the basis for the consultations, given that it has represented the headline policy of Australian Governments for the past ten years, and remains in operation;
- d) Further to the above, the available resources lack any independent and comprehensive review of what NIRA has achieved over the past ten years. This is relevant information which would assist by informing and guiding Indigenous communities and organisations to make decisions. Instead, they are expected to rely on a Discussion Paper published in December 2017 which states that only one of the seven targets is on track to be achieved, in contrast to the Prime Minister's 2018 report tabled in Parliament less than two months later which claims that three of the seven targets are on track;
- e) Reports on the outcomes of each Roundtable are not being published as they conclude, (unlike the prompt publication of regional dialogues for the Referendum Council's consultations with Indigenous peoples). Nor is there any public commitment to publish a consultation report that has been independently assessed for quality and accuracy. It is, therefore, difficult for Indigenous communities and organisations to be able to

assess if their responses have been properly taken into account when COAG announces its decisions;

- f) Consultations are well underway that have included a proposed Prosperity Framework that appears to have already been developed within COAG without any real involvement by Indigenous communities or organisations. Moreover, the Prosperity Framework is difficult to understand from the limited information that is provided and nor is it clear if it is intended to replace NIRA and its key component of building blocks;
- g) There is no process in place that allows for agreement to be reached between Indigenous communities and organisations, using our national peaks particularly, and Australian Governments about the outcomes of the Refresh. This did not occur with respect to the NIRA which was a failing that should not be repeated. However, there is now a mechanism in place - the COAG Council on Indigenous Affairs - which should be used as a vehicle for reaching agreement between Ministers and Indigenous peak bodies about the next ten year phase for Closing the Gap. Without this, Indigenous communities and organisations will continue to tag the Closing the Gap framework as government policy not agreed to in any form of partnership with Indigenous peoples.

*1.2 While supporting a refresh, the starting point ought to be the COAG National Indigenous Reform Agreement which allows for revisions which are agreed to with Indigenous interests.*

The Land Councils are very concerned that neither the Refresh materials nor Roundtables refer at all to the NIRA. This was the agreed platform used by COAG in 2008 to identify the Closing the Gap targets, a national co-ordinated strategy to achieve them, new resources to invest in building blocks such as health and housing, and a framework for robust transparency and accountability. However, we are not aware of any decision made by COAG to discontinue the NIRA and accordingly have assumed that it remains current. Moreover, Closing the Gap is a matter of national interest, and requires co-ordinated action by Australian Governments in partnership with Indigenous peoples. The Land Councils believe that a COAG agreement is essential for that to be achieved.

## **2. What does Closing the Gap mean to you?**

For the Land Councils, Closing the Gap means:

- a) Achieving social and economic equality for Indigenous peoples across Australia;
- b) All governments, Federal, State, Territory and Local, working in a co-ordinated and focussed way, led by COAG, to achieve targets and make investments in the development of Indigenous peoples that are known to work;
- c) Indigenous peoples being fully involved in the development and implementation of the national policy including their agreement to the Closing the Gap framework;
- d) That there be bipartisan support for the policy framework to reduce the risk of a change of government resulting prematurely in a change of policy;
- e) That there is a strong COAG agreement in place that is clear about the roles and responsibilities of the different levels of government and which also includes a strong accountability and transparency framework, including independent monitoring and reporting by the Productivity Commission;
- f) That Indigenous community-controlled organisations are in the lead in achieving targets with a direct voice to Australian Governments and the wider community;
- g) That, in recognition of the fact that Closing the Gap is a matter of national interest, there is national legislation agreed to by COAG and enacted by Federal and State/Territory parliaments, similar to other national priorities (such as protecting consumers, for example). This legislation should ensure that all governments remain committed to the national policy framework for ten years, and put robust monitoring arrangements in place that include peak Indigenous bodies.

## **3. How can governments, Aboriginal and Torres Strait Islander people, and businesses work more effectively together?**

Australia's business sector has a very important contribution to make to Closing the Gap, as does the Australia's civil society; accordingly, a more productive relationship among all sectors, Australian governments and Indigenous peoples needs attention in the Refresh.

In respect to the relationship with businesses, specific initiatives could be included in a new ten year strategy for Closing the Gap which should accompany a revised COAG National Agreement and a new National Partnership Agreement on Indigenous Economic Development. The *National Integrated Strategy for Closing the Gap in Indigenous Disadvantage* and the first National Partnership Agreement (**NPA**) understandably had a focus on initiatives to improve Indigenous employment, although this NPA did include the successful Indigenous Supplier Network (Supply Nation) and enhanced procurement arrangements (Indigenous Procurement Policy).

While these successful business initiatives need to be sustained and enhanced, a new strategy and NPA should include fresh initiatives which should be designed to support Indigenous-led business development on the Indigenous estate in remote Australia such as:

- a. The facilitation of improved relationships between the business sector and those entities driving Indigenous-led economic development, such as Land Councils, and Governments, through an annual forum with the Business Council of Australia's Indigenous Engagement Taskforce;
- b. Funding support for the Aboriginal Land and Sea Economic Development Agency (**ALSEDA**) that aims to develop rural and remote agricultural industries across the NT;
- c. The provision of support for Prescribed Bodies Corporate;
- d. The provision of tax incentives on a case by case basis for investors in Indigenous businesses on the Indigenous estate (similar to the R&D tax incentive scheme); and
- e. The establishment of a loan guarantee program to incentivise financial institutions to provide commercial loans to remote Indigenous businesses;
- f. In regards to the NT, the reform of the Aboriginal Benefits Account (**ABA**) to increase:
  - i. its investment potential;
  - ii. support for indigenous led development initiatives (community and commercial); and
  - iii. develop sustainable capital investment models that don't threaten land tenure;
- g. The development of the capacity of rangers to engage in commercial activities that build capability and long term business resilience and entrepreneurship.

### **3.1 What is needed to change the relationship between government and community?**

At a national end, and at the highest level, the Land Councils support the constitutional reforms advocated in the Uluru Statement from the Heart as a way to significantly improve the relationship between the government and community on a sustainable basis. Without an opportunity to have a voice in the Parliament and for treaties to be negotiated, there is little prospect of building a lasting reconciliation that can foster mature and positive relationships at any level.

In the context of the Closing the Gap framework, members of the Land Councils frequently complain at Council meetings about the high frequency of changes in policy, programs and staff within the Federal Government, which make it difficult for community leaders to sustain a positive relationship with Ministers and public servants at the Federal level. Above all else, our members are seeking stability, which will not be possible while the Federal Government undermines development by making constant changes that are not understood or agreed to. The Northern Territory Emergency Response continues to weigh heavily in the minds of our members.

The Land Councils have observed deterioration in the relationship and participation between communities in their areas and the Federal Government, which is of great concern as the latter has always taken the lead in remote Northern Territory. This has become more pronounced since the transfer of the Indigenous Affairs portfolio into the Department of the Prime Minister and Cabinet. It is not evident that this Department appreciates the need to have strong regional offices, including in Tennant Creek and Katherine, with managers who have authority working with dedicated and experienced staff who have long term relationships with the communities. The Land Councils appreciate that there are significant barriers, including infrastructure costs, to sustaining regional offices in remote locations. However, the Federal Government has been able to do it in the past.

There is little chance of improving the relationship between the Federal Government and community members until the former shows more stability in relation to its administration of Indigenous Affairs, and that it matches its commitment to work in partnership with communities with actions and

structures for that purpose, and makes an investment by re-establishing an effective network on the ground. These measures should be confirmed in a revised COAG National Agreement.

### **3.2 To help close the gap, what is needed to support Indigenous community leadership and decision-making?**

Strengthening Indigenous governance and leadership is one of the seven 'building blocks' or strategic platforms endorsed by COAG which are aimed at Closing the Gap. Strengthening Indigenous Governance and leadership is addressed in the *National Integrated Strategy for Closing the Gap*, which is annexed to the NIRA, and there is a schedule to the NIRA on service delivery principles in respect of programs and services for Indigenous Australians. Initiatives for strengthening governance and leadership include training support for Indigenous organisations and leadership development courses for individuals. The key principle is that engagement with Indigenous men, women and children and communities should be central to the design and delivery of programs and services. A strategy governed by clearly-stated principles is needed for the next ten years. However, significant revisions and robust monitoring arrangements are required to be put in place to ensure these principles are implemented.

From the Land Councils' perspective, many programs and projects funded by the Federal and Northern Territory Governments designed to improve the wellbeing of Indigenous people in remote communities are failing or are static. Meanwhile, gaps in many socio-economic indicators, when placed in comparison with those of mainstream Australia, are increasing. Our view is that this would not be the case if community development, which has local participation at its core, was used as the engagement strategy in Indigenous development.

Community Development involves a set of principles and processes that build self-reliance, strengthen communities and promote good governance through the participation of local people in designing and implementing their own development projects.

The CLC in particular has used this community development approach since 2005 to work in partnership with its constituents to direct their own resources to initiatives that both maintain their Indigenous identity, language, culture

and connection to country and strengthen their capacity to participate in mainstream Australia through improving health, education and employment outcomes.

The four objectives of the Land Councils' Community Development Program are:

1. To maximise opportunities for Aboriginal engagement, ownership and control, particularly in relation to the management of resources that belong to them;
2. To generate service outcomes which benefit Aboriginal people and are valued by them, including social, cultural and economic outcomes;
3. To build an evidence base for the CLC's community development approach and the value it has for contributing to Aboriginal capabilities; and
4. To share lessons learned with other government and non-government agencies.

An independent evaluation of the CLC's community development and governance program in 2014 was positive. The NLC has now adopted a similar community development and governance program. Meanwhile, whilst accepting that government programs do not constitute community-owned initiatives, a community development approach built on a partnership with Indigenous people ought to be adopted by Australian Governments. We are certain this will sustain Indigenous community leadership and decision making, thereby producing better outcomes. Accordingly, a new schedule to a revised COAG National Agreement needs to be developed which implements a community development model to sustain Indigenous leadership and decision making.

#### **4. How could the Closing the Gap targets better measure what is working and what is not?**

The Land Councils support the use of targets. We also support the proposal that targets be set for States and Territories if that has not already been done. However, we think that the targets, and the information provided on progress against them, is misleading to the extent that they are not measuring and comparing progress in remote and very remote areas.

Our assessment is that progress is stalling in remote and very remote areas of the Northern Territory, despite these areas receiving significantly more investment by the Federal Government over the past 10 years in housing and other services, compared with urban locations. In particular we are concerned about signs of worsening poverty caused by:

- the application of financial penalties in the discriminatory and ‘top-down’ Community Development Program; and
- the Australia-wide reductions in social security payments having a disproportionate impact in remote areas.

During the next phase of Closing the Gap, it is vital that the framework clearly distinguishes between the distinct circumstances of remote and non-remote Australia, including in respect of the collection of data, reporting and the setting of targets.

The Closing the Gap targets could also more effectively measure what is working if, in the next phase, the framework included data and reporting in relation to the empowerment of communities and regions. It is clear that Australian Governments are responding in the Refresh to widespread concern that Indigenous communities and organisations are not sufficiently involved in decision making around their programs and services. The Prime Minister’s Closing the Gap report for 2018 identifies what has been learnt over the past 10 years including that:

*“a productive working relationship must have Aboriginal and Torres Strait Islander people at its core, with First Australians involved in decision-making processes”; and*

*“for Indigenous engagement to be most effective, it needs to be based on the aspirations and priorities of Aboriginal and Torres Strait Islander people, and conducted within an Indigenous-driven process”.*

The Land Councils agree with this sentiment (although we are concerned these lessons are not being implemented in relation to the Refresh itself) and it should be possible, for example, to have an NPA, based on a new building block that is specifically focussed on establishing joint decision making structures and the rollout of a community development approach.

#### **4.1 What has worked well under Closing the Gap?**

The Land Councils believe that COAG should have facilitated an independent review in the lead-up to the Refresh that included input from Indigenous experts, given the fact that Indigenous disadvantage is a matter of national interest and is the source of considerable funding outlays by Australian Governments. Such a review could have been tasked with answering the above question, in addition to the following question as to what has **not** worked well.

Even in the absence of an independent review, the Land Councils are still prepared to accept that there has been progress against some of the targets and the Prime Minister's 2018 Closing the Gap report shows improvements in several areas, including an increase in the number of Indigenous students completing year 12, and the number of Indigenous businesses operating.

However, the Refresh needs to focus on the Closing the Gap framework itself and how it has contributed to realising better outcomes. Our view is that the national commitment, for the first time articulated in a COAG National Agreement with a national strategy, targets, building blocks to focus investment, and a robust accountability framework worked well, at least in the first five years.

#### **4.2 What has not worked well under Closing the Gap?**

The observation of the Land Councils is that the architecture that was put in place to support Closing the Gap and described above failed after the first five years and particularly when an incoming government in 2013 identified its three highest priorities (getting kids to school, jobs and community safety) which did not appear to cover all of the targets or building blocks in the NIRA, nor have the support of State and Territory Governments.

The creation of the Indigenous Advancement Strategy (**IAS**) by the Federal Government, to fund the three priorities, without any engagement with Indigenous communities and organisations added to a perception that the Coalition Government was no longer committed to the Closing the Gap framework. This is further exacerbated by the ABA being rolled into this strategy.

Subsequently the Coalition added a new target on school attendance which, if agreed by COAG in 2016, has never been formally inserted into the NIRA. The

COAG Reform Council was disbanded and much of the public reporting around the progress of the Indigenous national partnership agreements fell away. The ten year NPA on Stronger Futures in the Northern Territory, originally built on strong consultation with communities and their organisations, was renegotiated with the Northern Territory Government without any involvement of Aboriginal interests. Perhaps the best illustration of the situation we have now is that the NPA on Remote Indigenous Housing ends on 30 June 2018 (two months from now) without Indigenous communities or organisations, at least beyond the Northern Territory, having any understanding of what will happen next despite the need for much more housing. There is much confusion and doubt about the commitment to the Closing the Gap framework, and it appears to have unravelled in the past five years.

#### **5. What indicators should governments focus on to best support the needs and aspirations of Aboriginal and Torres Strait Islander peoples?**

This is difficult to answer properly because the Discussion Paper does not really provide an explanation of what indicators are and whether they are different from targets. However, we assume that COAG is distinguishing indicators from targets in this question and are interested to know what markers should be used to measure progress against achieving the targets. Our broad response is that the indicators should be part of the refreshed Closing the Gap framework that is agreed to with Indigenous interests and that the performance indicators that were used for the current targets appear to be satisfactory.

##### **5.1 Should governments focus on indicators such as prosperity, wellbeing or other areas?**

Prosperity usually has a narrower connotation than wellbeing and normally means a situation in which people are successful in life and have a lot of money in their bank accounts. Wellbeing on the other hand, particularly for indigenous peoples, normally means a situation in which people have health, happiness and a strong connection to culture and family. Wellbeing seems to resonate better with an Indigenous world view.

However, the Land Councils do not think that any case has been made to change from 'closing the gap' as the headline policy which means achieving

equality in social, economic and health outcomes. Moreover, the indicators should go to helping us decide whether or not this is being achieved. The discussion about wellbeing versus prosperity is confusing and neither should be used as the overarching policy frame.

## **5.2 What do you think are the most important issues for Aboriginal and Torres Strait Islander Australians, families and communities? Why?**

The Land Councils have existed since 1974, longer than possibly any other Indigenous organisations in Australia. While Land Councils are statutory bodies under the Land Rights Act, they remain independent of government with only their annual budgets controlled by the Minister. They have been stable and endured through much upheaval in the policy and administration of Indigenous Affairs by the Commonwealth, which has become a burden to them. This puts the Land Councils in a very strong position to comment with authority on the important issues for communities and traditional owners having worked with them for decades (with the exception of the Tiwi and Anindilyakwa people who have their own Land Councils). The issues that we think are most important to our constituents, particularly in the context of Closing the Gap are:

- a. Achieving the return of their traditional lands, like other Indigenous peoples across the world, particularly given the fact that their culture and identity is built around their land and because so much of it was initially lost to them;
- b. Finding a way to ensure that the gains they have made over the past 40 years in respect to land rights can endure forever. This is a high priority and is why the agenda for a treaty is of great importance;
- c. Being able to live on their traditional lands, especially on homelands, so that they can care for country and maintain their language and identity, with the aim of producing economic, social and cultural benefits through these assets;
- d. Being able to decide what happens on their land, including mainstream economic development, is vital because they are very

- alert to both the costs and benefits of mining and other land based industries;
- e. Being able to decide for themselves their own development priorities and to be able to realise these aims in a way that allows them to make decisions, instead of programs and services being imposed from the outside which often leave community leaders powerless to manage negative consequences;
  - f. Having a government which is prepared to work with them in partnership, using a community development approach to solve their unique problems brought about by having to adjust to mainstream Australia. The partnership should operate in a way that is informed, respectful, builds long term relationships and allows agreements to be reached which respond to different regional circumstances;
  - g. More than any other building block in the current Closing the Gap framework, achieving economic participation that they can lead and benefit from which produces jobs and businesses for the communities and families. It is this which is considered to be fundamental to their survival, wellbeing and prosperity and which they want to be given the highest priority in the next phase of Closing the Gap;
  - h. Resolving their ongoing housing crisis in the Northern Territory including developing an Aboriginal community controlled housing model in the next phase of Closing the Gap;
  - i. Ensuring that Aboriginal community controlled organisations are properly supported to deliver front-line services and advocate on their behalf;
  - j. Enabling the use of the property rights granted under law to traditional owners;
  - k. Reforming the National Water Initiative to provide for property rights in law to enable economic development of the lands gained;
  - l. Expanding successful employment models such as the ranger program that is tailored to suit remote employment in regions where there are no formal labour markets; and
  - m. Developing and implementing procurement policies to grow the capacity of Indigenous groups such as PBCs.

## **6. Should Aboriginal and Torres Strait Islander culture be incorporated in the Closing the Gap framework? How?**

Indigenous culture is already incorporated into the Closing the Gap framework. The *National Integrated Strategy for Closing the Gap in Indigenous Disadvantage* is the key schedule to the NIRA and its foundation is the identification of and commitment to targets addressing Indigenous disadvantage, and associated building blocks – areas for action. However, the Strategy also acknowledges the importance of culture in a way that is not dissimilar to the language used in the Discussion Paper for the Refresh. At the start of the Strategy it states:

### THE IMPORTANCE OF CULTURE

Connection to culture is critical for emotional, physical and spiritual wellbeing. Culture pervades the lives of Indigenous people and is a key factor in their wellbeing – culture must be recognised in actions intended to overcome Indigenous disadvantage.

The NIRA, however, does not make Indigenous culture a building block to encourage focussed and co-ordinated investment by Australian Governments. That was a weakness in the Closing the Gap framework. However, it is not clear whether it will be an area for co-ordinated action in the proposed Prosperity framework either. The Land Councils certainly believe that Indigenous languages need much more support in the next phase of Closing the Gap, including legislative and funding support outlined in a new ten year national strategy.

In the meantime, the key concern that the Land Councils have is that Indigenous culture is being referred to by Australian Governments as if it is another program to be funded for the wider community to appreciate rather than as a way of life that produces the languages, ceremonies, and art that is constantly celebrated. That way of life, built around Aboriginal people being able to remain living on their traditional lands, in large and small communities such as homelands, is not supported in the existing Closing the Gap framework and we are concerned that the next phase will also not support it. In fact, we are observing increasing poverty for those who wish to remain on their traditional lands, linked to a discriminatory, top-down and punitive Community Development Program, and a withdrawal of key services such as education and health for those who desire to remain 'on country'. Ironically, it is these

traditional owners who sustain the culture that is so celebrated in the Closing the Gap framework by Australian governments but their way of life is under threat. It is culture as a way of life that needs to be incorporated into the Closing the Gap framework.

**7. What do you think are the key targets or commitments that should be measured in a refreshed Closing the Gap agenda?**

In relation to the determination of final targets or commitments, the Land Councils strongly believe that COAG needs to build on the existing targets rather than establish a new framework.

Currently, there are three targets that continue beyond 2018: early childhood, year 12 attainment and life expectancy. The other four targets expire in 2018. At this stage it is our view that all of the existing targets should continue. As far as we know, they are supported by Indigenous interests even if they did not formally participate in negotiations for the NIRA or agree to the target in relation to improving school attendance. We believe that it would be confusing, and cause a loss of credibility for the Closing the Gap framework if these targets were not continued.

Having regard to the appallingly high imprisonment rate of Aboriginal people in the Northern Territory, the Land Councils also strongly support the recommendations of the Australian Law Reform Commission's Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples (ALRC Report 133). Consistent with the overall approach of the Land Councils to the 'Refresh', the report (Pathways to Justice) states that:

*"Reducing Aboriginal and Torres Strait Islander incarceration requires a coordinated governmental response, and effective collaboration with Aboriginal and Torres Strait Islander peoples."*

Chapter 16 makes two recommendations that aim to improve both of these and specifically that there should be national targets to reduce both the rate of incarceration of Aboriginal and Torres Strait Islander people, and the rate of violence against Aboriginal and Torres Strait Islander people.

The question of a so called 'Justice target' has been politically contentious. However, the Commission's independent and expert report should put the matter beyond doubt.

### **7.1 What resources, including data or information, are needed to help communities develop and drive local action?**

The Land Councils believe a regional approach is required. This will drive local action using a regional governance structure, comprising representatives of Indigenous communities and organisations, and Federal, State and Territory governments. This approach should allow for the circumstances of remote and very remote regions to be adequately distinguished, and also for the development of regional targets. These targets should be based on census data to be published by the Federal Government in a status report after each census in respect of each agreed region, and used to develop a regional strategy for closing the gap. This will facilitate appropriate involvement of Indigenous interests in a partnership, joint decision making and also facilitate a community development approach.

30 April 2018