Romlie Mokak

Commissioner, Productivity Commission

01 October 2023

KALACC Submission to the Productivity Commission's Review of the *National Agreement on Closing the Gap*:

No Co Design and No Commissioning Pathways for Cultural Programs

Dear Romlie

Thank you for the opportunity to provide comment on the Productivity Commission's *Review of the National Agreement on Closing the Gap*. We note that in the Commission's Draft Report, dated 26 July 2023, the Commission has written as follows:

The Productivity Commission's first review of the Agreement shows that governments are not adequately delivering on this commitment. Progress in implementing the Agreement's Priority Reforms has, for the most part, been weak and reflects a business-as-usual approach to implementing policies and programs that affect the lives of Aboriginal and Torres Strait Islander people. Current implementation raises questions about whether governments have fully grasped the scale of change required to their systems, operations and ways of working to deliver the unprecedented shift they have committed to.

If the Commission's comments about Government pursuing 'business as usual' are true generally, then these same findings are doubly true in regards to the First Nations Cultural context. In the post – ATSIC period First Nations Culture belonged nowhere in the paternalistic, mainstreaming policy paradigm of the era. And in the period since the release of the *National Agreement on Closing the Gap* there has been very limited and extremely patchy progress in regards to the First Nations Cultural context.

In making this observation, KALACC is of course well aware of activities in regards to the First Nations Languages, including the Policy Partnership. We are additionally fully aware of the release in January of *Revive, the National Cultural Policy.* KALACC naturally acknowledges and celebrates these specific activities. In the full knowledge of such activities we state again, there has been very limited and extremely patchy progress in regards to the First Nations Cultural context.

On the 19^{th} of May 2023 the Deputy Director General of a very large WA Government line agency wrote to KALACC in the following terms:

there are no imminent commissioning opportunities that the Department has planned relevant to the priority areas identified by KALACC. So, at this point in time, the Department is not in a position to engage in a co-design workshop.

The relevant areas that KALACC had been speaking with the Department about for eighteen months or more in the lead up to that advice were these:

- Women's interests
- Youth programs
- Agency cultural outcomes framework
- Justice issues.

In addition to those four areas of content or subject matter, KALACC had worked with senior officers of two large WA Government line agencies, commencing in March 2022, on the topic of how to assist KALACC, as a nationally significant Aboriginal Cultural organisation, to attain a modicum of sustainability. In September 2022 the WA Government produced a 30-page report on the many challenges to sustainability that KALACC faced. As of October 2023, there has been extremely minimal follow up to this *KALACC Sustainability***Report*. Whilst KALACC is very appreciative that the WA Government developed rich insights in to the many impediments to KALACC sustainability, it is deeply, deeply disappointing that the Government has then been unable to provide any significant or substantive responses to these many challenges.

This situation is entirely reflective of the matters canvassed in considerable detail by the Productivity Commission in its *Draft Report on the Review of the National Agreement on Closing the Gap*. As the Commission has correctly identified, government continues to pursue 'business as usual' and there is very limited progress in regards to formal partnerships with Aboriginal Community Controlled Organisations; there is little commitment to Co Design; and there is a reluctance to make transformational progress in regards to building the capacity of the Community sector. Once again, if those findings are true in general, then these same findings are doubly true in regards to the First Nations Cultural context.

Amongst the stasis and inaction, some opportunities for progress do present themselves. KALACC notes in particular the following:

- Partnership: The potential to develop a formal partnership between NIAA and KALACC
- Research: Developing a Business Case for a sustainable KALACC Research Unit [under discussion with NIAA and with Commonwealth Treasury]
- Justice: Developing a *Yiriman Youth Justice Diversion Business Case* to be presented to the WA Government's Expenditure Review Committee in November 2023.

We would further note that on the 28th of October 2022 the WA Government endorsed the *Kimberley Aboriginal Youth Wellbeing Co Design Guide*. This Guide was developed by KALACC, on behalf of the Kimberley Aboriginal Regional Governance Group. To date, one year later, the Government has not sought to engage with KALACC to actually implement the *Co Design Guide*, but the hope remains that one day it will.

We also note that AIATSIS is currently in the process of developing an edited anthology on Co Design. KALACC is contributing a chapter to that forthcoming publication and is hoped that that publication will itself make a contribution towards improving understandings around how to apply Co Design processes in the First Nations sector.

On 02 January 2023 KALACC made a detailed [12 page submission] to the earlier work of the Commission in regards to its review of the *National Agreement on Closing the Gap*. The comments that KALACC made at that time remain valid and applicable today and we invite the commission to look once again at our earlier submission.

Rather than seeking to turn this current document in to some exhaustive critique, we instead take this opportunity to invite the Commission to engage with KALACC in a detailed dialogue on any of the following topics, each of relevance to the Commission's current review work:

- Developing sustainable Aboriginal Community Controlled Organisations: especially in the sectors
 of Arts and Culture; youth justice; wWomen's interests.
- Sector Partnerships, particularly in regards to the Arts and Culture Sector: for which there is currently no peak body, with little prospect of a peak body being formed in the foreseeable future.
- **Co Design:** recognising the leadership role that KALACC has played in developing Co Design thinking applicable in the Kimberley region of WA.
- Culture and Wellbeing: please see appendix Two.
- Developing Partnerships Beyond the Coalition of Peaks: Please see appendix Three.
- Developing Research and Evaluation Capacity within ACCOs: As per recent correspondence provided to the Commission.
- Holding Government Accountable for Progress: KALACC is in a position to provide comprehensive insights in to how Government continues to operate via business as usual, and some rich insights in to how this dynamic might be turned around.

Whilst many of these dot points above are offered as place markers and as invitations for further dialogue, we do offer herein, via appendices, detailed insights in to two specific contexts, these being:

- Culture and Wellbeing
- Developing Partnerships Beyond the Coalition of Peaks.

Congratulations and commendations to the Commission for leading this highly valuable and important work.

Yours sincerely,



"To assist and promote the ceremonies, songs and dance of Kimberley Aboriginal people, to encourage and strengthen their social, cultural and legal values and ensure their traditions a place in Australian society."

Appendix One, KALACC Recommendations to the Productivity Commission, 02 January 2023

For sectors that have previously not had a strong community-controlled presence, what is needed to support and strengthen community control?

- National Indigenous Arts and Cultural Authority: the creation of a structural mechanism ie a peak/ umbrella voice for Indigenous Arts and Culture in Australia is a high priority.
- **Standing Our Ground Cultural vibrancy:** an excellent Discussion Paper around cultural vibrancy already exists- Australia Council 2013 draft. The Government needs to take this golden gift and develop it in to a substantive policy plank that directly addresses Australia's commitments under the UNDRIP across articles 5, 8, 9, 11 and 12.
- Case Study of KALACC as an example of a Sustainable ACCO operating in the Arts and Cultural Domain:

The WA Government has developed a 30 page document using KALACC as an example of a Sustainable ACCO operating in the Arts and Cultural Domain. This document was created with input from key WA Government agencies and the intended audience is the WA Public Sector Leadership Council. KALACC invites the Productivity Commission and the Commonwealth Government to rework this excellent starting point to reflect potential Commonwealth pathways for supporting ACCOs that operate in the Arts and Cultural services domain.

- Harnessing Policies and Agreements In Order to Locate ACCOs as Being the Key Providers of Youth Justice Services in the Kimberley region:
 - Employing the *Justice Policy Partnership* as a framework to interface with the *KAYW Co Design Guide* [endorsed] and the *KAYW Partnership Agreement* [currently draft/ not endorsed] to develop approaches by Government which seek to locate Aboriginal Community Controlled Organisations at the centre of justice initiatives in the Kimberley.
- Employ the Emerging Kimberley Cultural Outcomes Framework Within the Closing the Gap Evaluation Strategy as it is applied in the Kimberley Region:
 - Supported by the Commonwealth Government, and working in partnership with the ANU Centre for Aboriginal Economic Policy Research, KALACC is undertaking a major research project which will firstly develop a Kimberley Cultural Outcomes Framework and which will then apply that Framework to measuring the outcomes from a number of important cultural programs being delivered by KALACC. We invite the Productivity Commission to have a discussion with KALACC around this matter. Initial discussions have occurred between Romlie Mokak [PC] and Wayne Barker [KALACC] and we invite the Commission to have more detailed discussions with KALACC going forward.

Appendix Two, KALACC Comments on the Desperate Need to Develop Commissioning Pathways for First Nations Cultural Programs to Contribute to First Nations Wellbeing.

What:

Commissioning Pathways For Cultural Services Delivering Wellbeing Outcomes

When/ Where:

Parliament House Canberra Committee Room 1R1, 10 am, 16th of November

Why:

 An opportunity to socialise the recommendations from Creative Australia's <u>Connected Lives: Creative</u> <u>solutions to the mental health crisis</u> report with a cross-portfolio audience of Ministers and advisors.

Who:

- Creative Australia ie eg Adrian Collette and the Creative Australia research and policy team
- Hon Susan Templeman, Special Envoy for the Arts
- A cross-portfolio audience of Ministers and advisors
- KALACC, ANKA, CAEPR

Process/ Engagement:

- MS Teams Meeting with the Hon Tony Burke, Minister for Arts and Culture
- Event in Parliament House, 10 am, 16th of November
- Follow up meetings with a cross-portfolio audience of Ministers and advisors.

Policy Gap/ Need:

- There are currently huge investments in to Clinical mental health and substantial investments in to social and emotional wellbeing programs
- Currently no commissioning pathways for First Nations Language Centres, Art Centres, Cultural Centres, Media Organisations etc etc to deliver programs in the cultural determinants of health domain.

Outcomes Sought:

- 1. Awareness of the library of reports and strategies on the Cultural Determinants of Health:
- **My Life My Lead:** https://www.health.gov.au/resources/publications/my-life-my-lead-report-on-the-national-consultations
- Country Can't Hear English: https://www.karabenaconsulting.com/resources/country-cant-hear-english
- Culture is Key: https://www.lowitja.org.au/page/services/resources/Cultural-and-social-determinants/culture-for-health-and-wellbeing/culture-is-key-towards-cultural-determinants-driven-health-policy
- National Aboriginal and Torres Strait Islander Health Plan 2021–2031
 https://www.health.gov.au/resources/publications/national-aboriginal-and-torres-strait-islander-health-plan-2021-2031?language=en

The Connection Between First Nations Culture and Indigenous Wellbeing

"if suicide prevention is our serious goal, then the evidence in hand recommends investing new moneys, not in the hiring of still more counsellors, but in organized efforts to preserve Indigenous languages, to promote the resurgence of ritual and cultural practices, and to facilitate communities in recouping some measure of community control over their own lives."

Professor Michael J Chandler, *Cultural wounds require cultural medicines*, chapter published in *Determinants of Indigenous peoples' health in Canada*. Canada Scholars' Press, 2018

"For 60,000 years plus we have sustained a cohesive and resilient society. We have the most extensive kinship network in the world and through a system of law, ceremony and song we have transferred a huge body of knowledge, including important principles of collective and common humanity, from generation to generation. There is much to celebrate but it is not celebrated – it is not even recognised."

June Oscar AO, Social Justice Commissioner

https://www.theguardian.com/australia-news/2020/jan/31/june-oscars-2020s-vision-reaching-our-potential-as-a-nation-begins-with-truth-telling

Key Concept: Clinical Mental Health Treatment; Social and Emotional Wellbeing Counselling; and Culturally Based Identity and Resilience Are Three Distinct Contexts, But Government Policies and Programs Only Recognise Two of These Three Domains.

Key Demand: There is an urgent need to develop Commissioning Pathways, either with the Department of Health or within the National Indigenous Australians Agency, for the support of wellbeing programs operated by First Nations Language Centres, Arts Centres, Cultural Centres, Media Organisations and the host of other First Nations community organisations [PBCs, Ranger Groups, Service Organisations, Women's Organisations that provide arts and cultural services to first nations communities].

As Social Justice Commissioner June Oscar States: "There is much to celebrate but it is not celebrated – it is not even recognised." And as Professor Michael Chandler states: if we are serious about suicide prevention, then we need to get serious about Indigenous languages, ceremony and first nations peoples having agency over their own lives.

In June 2020 Kerry Arabena published '... Country Can't Hear English...' – A guide to implementing cultural determinants. On page 4 of this report Arabena writes as follows:

In Australia, nearly 35 per cent of the health gap between Aboriginal and Torres Strait Islander and non-Indigenous Australians is attributable to the social determinants of health, including the physical, social, emotional and cultural wellbeing of individuals and their community. This gap rises to 53.2 per cent when combined with behavioural risk factors such as tobacco and alcohol use, dietary factors and physical inactivity (Australian Government 2017b:4). It is proposed that an antidote to this experience is the adoption of a whole-of-life view that encompasses regeneration and renewal, health and wellbeing, and an acknowledgment of the vitality that culture provides Aboriginal and Torres Strait Islander peoples.

As Arabena has flagged, the transformational improvements in First Nations wellbeing in Australia will come through 'an acknowledgment of the vitality that culture provides Aboriginal and Torres Strait Islander peoples'. These kinds of programs are not offered by hospitals or by health services. These kinds of programs are provided by:

- Language Centres
- Arts Centres
- Cultural Centres
- Media Organisations
- The host of community organisations [PBCs, Ranger Groups, Service Organisations, Women's
 Organisations that provide arts and cultural services to first nations communities].

Key Policy Challenge:

At present, in Australia today, there are significant investments in to clinical therapeutic services. There are also significant investments in to Social and Emotional Wellbeing programs. But as Arabena has highlighted, it is a third, separate context, the cultural domain, which offers the greatest prospect for improvements in wellbeing.

The *National Aboriginal and Torres Strait Islander Health Plan 2021–2031*, published in 2021, speaks to the value of culture as a protective factor. But as of October 2023, there is still no *Implementation Plan* for the *Health Plan*. And thus, there remain no health commissioning pathways for First Nations programs that operate in the cultural determinants of health domain.

Connected Lives: Creative solutions to the mental health crisis

Recommendation 2:

Develop commissioning pathways for First Nations programs in cultural healing, for example, by including these programs in the implementation of the *National Aboriginal and Torres Strait**Islander Health Plan 2021–2031.

The leadership provided by First Nations knowledge

First Nations peoples are clear leaders when it comes to understanding the links between arts, culture and wellbeing.

First Nations conceptions of wellbeing expand beyond individual experience and encompass health of the community and Country. Culture is also understood to be a protective factor, embedded within everyday experience and essential to a healthy community. This holistic view of culture can provide a model for a 'whole of government' approach when looking at arts, creativity and wellbeing.

First Nations communities are also leaders in health policy and advocacy, having committed years of research and advocacy towards the successful inclusion of social determinants within Indigenous health policy. For example, the National Aboriginal and Torres Strait Islander Health Plan 2021–2031 incorporates the cultural and social determinants of health in its design.

Despite this, there are still no commissioning pathways for programs that operate in the social and cultural determinants of health domain. \$60.8 million will soon be made available under the Aboriginal and Torres Strait Islander Mental Health and Suicide Prevention Program,12 but cultural healing organisations are ineligible to apply.

Key stakeholders in the policy program urged that the first implementation plan of the National Aboriginal and Torres Strait Islander Health Plan address this gap, ensuring that public policy acknowledge cultural healing organisations in its programs of commissioning and support. Such a move would enable this relatively mature policy space to move from design to implementation.

The current situation can be summarised as follows:

	Domain #1:	Domain #2:	Domain #3:
	Clinical Mental	Social and Emotional	Culturally Based
	Health	Wellbeing	Identity and
			Resilience
Key Reports	Reviews have been undertaken and	A variety of reports are available from NACCHO or from the UWA.	ATSISPEP, 2016My Life My Lead,
	reports written by		2018
	the Productivity		Country Can't
	Commission and by		Hear English,
	the Mental Health		2020
	Commission.		• Culture Is Key,
			2021
Policy	Australian	Closing the Gap, Social and	National Aboriginal
Responses	Government	Emotional Wellbeing Policy	and Torres Strait
	response to	Partnership	Islander Health Plan
	contributing lives,		2021–2031.
	thriving	https://www.health.gov.au/committ	
	communities –	ees-and-groups/social-and-	https://www.health.gov.a u/resources/publications/
	review of mental	emotional-wellbeing-policy-	national-aboriginal-and-
	health programmes	<u>partnership?language=en</u>	torres-strait-islander-
	and services,		health-plan-2021-2031
	November 2015		
Actual	Spending on mental	Information here would be available	[There currently are no implementation plans or
Commissioning	health-related	from NACCHO. There are 145	Commissioning Pathways for
and	services increased	Aboriginal Community Controlled	Cultural Programs operating
Implementation	from \$9.3 billion in	Health Services affiliated with	in the Health Domain].
	2016-17 to \$11.6	NACCHO. Considerable funding is	
	billion in 2020-21.	allocated to SEWB programs.	

As Arabena has flagged, the transformational improvements will come through 'an acknowledgment of the vitality that culture provides Aboriginal and Torres Strait Islander peoples'. These kinds of programs are not offered by hospitals or by health services. These kinds of programs are provided by:

- Language Centres
- Arts Centres
- Cultural Centres
- Media Organisations
- The host of community organisations [PBCs, Ranger Groups, Service Organisations, Women's
 Organisations that provide arts and cultural services to first nations communities].

Appendix Three, Towards a Formal Agreement Between KALACC and NIAA

Why Formally Partner With KALACC?

1. Culture

History: Incorporated on 29th of November 1985

Kimberley Footprint: 30 Language groups

Kimberley Alliances: ARGG; KARB; KLC, KLRC and Aarnja

WA Footprint: Networks and relationship across the State

Interstate Footprint: Networks and relationships with the NT and SA

Arts Funding Partners: Australia Council; Office of the Arts; WA DLGSC

Relationships: AIATSIS; WA Museum; SA Museum; ANKA

Status: Australia's premier organisation for the support of

traditional cultural practices.

2. Evaluation and Research

• NIAA: \$2.1M Strong Culture, Strong Country, Strong Family Research and Evaluation project, working with CAEPR

 Commonwealth Treasury: 21 September 2023 workshop in Barton, with Treasury, NIAA, CAEPR and KALACC. Goal – establishing a sustainable KALACC research unit.

3. Co Design Expertise

• January 2020: Kimberley Aboriginal Caring for Culture Plan

• July 2020: Kimberley Juvenile Justice Strategy Community Consultation

Report

• **September 2021:** Kimberley Aboriginal Women's Strategic Plan

• September 2022: KALACC Sustainability Report, A Case Study in ACCO

Sustainability

• October 2022: Kimberley Aboriginal Youth Wellbeing Co Design Guide.

4. Needs and Drivers for Partnering With KALACC

- Lack of a national voice for First Nations Culture: Closing the Gap is based around sector implementation plans, but there is currently no peak voice or peak body to represent the First Nations Cultural Sector.
- Social and Cultural Determinants of Health: Five and a half years after the My
 Life My Lead Report was published, there are still no commissioning pathways for programs in the Social and Cultural Determinants of Health Domain.
- Lack of Cultural Outcomes in Close the Gap: The Close the Gap National Partnership Agreement uses proxy markers for measuring cultural outcomes. Those proxy markers are very inadequate tools to measure cultural outcomes.
- Lack of evaluation tools for measuring cultural outcomes: There are epidemiological
 approaches to measuring cultural outcomes but at present there are no agreed tools for
 measuring cultural outcomes at the localised, community-based level.
- Productivity Commission Review of Closing the Gap: The recent draft evaluation from the Productivity Commission concluded that two and a half years in to the life of the National Partnership Agreement, Governments were still proceeding on a 'Business as Usual' basis. At State level, Directors General of at least two very large and significant WA Govt agencies have recently concluded that there 'are no current opportunities for Co Design or Co Commissioning.' Current transactional processes of Government perpetuate Business As Usual, so a formal agreement is needed to break that cycle.

5. Summary: What is the Value Proposition in Partnering With KALACC?

- Towards national voice for First Nations Culture: KALACC is the national leader in developing networks and partnerships and collective voices for First Nations Culture in Australia
- Leadership in Cultural Wellbeing: KALACC has been implementing the Yiriman Youth Program for 22 years. KALACC has been implementing the Jalngangurru Traditional Healing Program for five years. KALACC instigated the Kimberley Coronial Inquiry processes in February 2007 and we have led and have participated in the processes ever since then. This included publishing the Kimberley Aboriginal Caring for Culture Plan.
- Sustainable and ongoing evaluation of cultural outcomes: By working with NIAA and with Treasury KALACC hopes to develop a sustainable research capacity which will feed in to the CTG Priority #4 ie Local Data.
- Co Design As the Antidote to Business As Usual: KALACC are the
 acknowledged experts in Co Design. By developing a formal agreement with KALACC
 NIAA can break the transactional cycle of perpetuating Business As Usual, both at
 State and Commonwealth levels.

Contextual Information and Discussion Points

1. The Macro Policy Context and Formal Agreements

The National Partnership Agreement on Closing the Gap contains four Priority Reform Areas, these being:

- 1. Strengthen and establish formal partnerships and shared decision-making
- 2. Build the Aboriginal and Torres Strait Islander community-controlled sector
- 3. Transform government organisations so they work better for Aboriginal and Torres Strait Islander people
- 4. Improve and share access to data and information to enable Aboriginal and Torres Strait Islander communities make informed decisions.

In relation to Priority Reform Area #1, Formal Partnerships and Shared Decision – Making, the key relationship is with the Coalition of Peaks. And there are now Policy Partnerships relating to the following:

- Justice [2021]
- Early Childhood Care and Development [2022]
- Social and Emotional Wellbeing [2022]
- Languages [December 2022]
- Housing [December 2022].

Of the Targets within the *National Partnership Agreement on Closing the Gap*, KALACC notes in particular the following:

- Target 14: Social and emotional wellbeing
- Target 15: Relationship with land and waters
- Target 16: Cultures and languages are strong and flourishing.

There are more than 80 members of the Coalition of Peaks. KALACC is not aware of any Peak body for Aboriginal Culture – whilst noting that First Languages Australia is a member.

KALACC is not aware of any current plans to develop a Policy Partnership around First Nations Culture.

The actual measure for Target 16 relates to languages, not to cultural practice. At present NIAA has funded KALACC in the order of \$2.1M to develop a Cultural outcomes framework and to apply that framework to evaluate outcomes from cultural programs.

2. Calls to Develop a National Indigenous Cultural Policy

On page 8 of the Close the Gap Campaign Report 2023 one can read the following:

Aboriginal and Torres Strait Islander Cultural Policy

Recommendation 8

Australian governments partner with Aboriginal and Torres Strait Islander peoples and communities to develop, fund and implement an Aboriginal and Torres Strait Islander cultural policy that: a Complements and reinforces the *Revive – National Cultural Policy* that respects the centrality of Aboriginal and Torres Strait Islander culture in the Australian arts, entertainment and cultural sectors.

b Asserts the centrality of culture to the health and wellbeing of Aboriginal and Torres Strait Islander peoples.

c Informs investment in cultural governance, maintenance and revitalisation projects, initiatives and activities both for community and nation building.

d Provides environmental and heritage protections for sites that are sacred or culturally significant, recognising the impacts on Country, social and emotional wellbeing and the cultural determinants of health.

e Improves Aboriginal and Torres Strait Islander community access to opportunities and resources that support the cultural determinants of their health and wellbeing according to their needs, priorities and aspirations.

f Includes cultural knowledge holders in decision making positions that affect communities. g Establishes a monitoring, evaluation and action learning framework.

3. Opportunities for the Commonwealth and WA Governments to Partner With KALACC on Co -Designing Cultural Outcomes and Co Commissioning Cultural Programs.

WA Department of Communities and Commonwealth DSS:

- Kimberley Aboriginal Women's Strategic Plan, September 2021
- Aboriginal Family Safety Strategy
- WA Sexual Violence Prevention and Response Strategy
- Target 120 Youth Diversion
- Department of Communities Aboriginal Outcomes Framework

WA Department of Local Government, Sport and Cultural Industries:

- Trade Routes Project Proposal, 15th of February 2023, currently being revised
- 10 Year Vision for Culture and the Arts in WA
- WA Aboriginal Cultural Centre
- Fitzroy Crossing Cultural Centre.

WA Department of Justice and Commonwealth Attorney General's Department:

• Yiriman Justice Business Case – being presented to ERC in November or December 2023

WA Police Service and NIAA:

Red Shirts Social Stabilisation Proposal – to be trialled in the Tjurabalan in coming years

WA Health, WA Mental Health Commission and NIAA:

- Jalngangurru Healing Project- Traditional Healing
- Yiriman Project Social and Emotional Wellbeing through cultural resilience

WA Department of Premier and Cabinet; WA Department of Finance; NIAA; Commonwealth Treasury

• Establishing a sustainable KALACC Research Unit, building on the NIAA – funded *Strong Culture, Strong Country, Strong Family project.*