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## Closing the evidence gap

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### The story so far

The national apology delivered in federal parliament by Prime Minister Kevin Rudd on February 13th 2008 appeared to signal a major transformation of Indigenous policy in Australia. Defeated Liberal Prime Minister John Howard had tenaciously refused to make this elementary gesture. Indeed his prime ministership was marked by a rejection of the reconciliation process that had begun in the Hawke/Keating era. His antagonism towards any recognition or protection of Aboriginal rights was almost visceral.

The apology together with the endorsement of the United Nation's 2007 Declaration of the Rights of Indigenous People immediately differentiated Rudd's Indigenous affairs policies from those of Howard's. Like the apology, the Howard government opposed the Declaration, refusing – along with Canada, New Zealand and the United States – to become a signatory because of ideological problems with both the concept of the Declaration and its content, especially its recognition of the right to self-determination.

These symbolic gestures raised expectations that the Labor government would aggressively tackle Aboriginal disadvantage – that the symbolic shift would be matched by actual improvements to the material circumstances of indigenous Australians. Rudd nurtured encouragement of this expectation in his apology speech: 'unless the great symbolism of reconciliation is accompanied by an even greater substance, it is little more than a clanging gong. It is not sentiment that makes history; it is our actions that make history'.

It is therefore surprising and disappointing that the key Indigenous affairs initiatives and assumptions of the Rudd-Gillard Labor Governments were inherited from Howard's. These include the quarantining of welfare for Aboriginal people; the belief that home ownership by itself can reduce poverty; the view that private schools offer a panacea for poor education levels amongst Aboriginal children; the suspicion of Aboriginal control over land; and the granting of land tenure through leases to the government and through conditional access to public housing.

Combined with the continuation of the Northern Territory intervention – perhaps the most concerted attempt to implement the above policy vision – the Rudd- Gillard Governments have furthered an agenda that was designed by the Coalition.

As the Northern Territory intervention demonstrates, this agenda is top-down (designed in Canberra and implemented with little or no consultation or engagement with Indigenous people, their organisations or their communities), is influenced by tired ideology (mainstreaming and assimilation – approaches that have been tried before and failed), laced with the self-righteousness of paternalism ("we just care about women and children") and clearly discriminatory (given that the Racial Discrimination Act had to be suspended in order to implement the policy).

### **Fast facts: Impact of the Northern Territory Intervention**

The most recent whole of government report monitoring the situation in the top end, covering the period from January to June 2009, showed that:

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- Child malnutrition is up despite the 85 licensed stores, the 15,000 BasicsCards and \$200 million worth of income managed funds
- Total enrolments and school attendance rates are marginally lower
- Alcohol, drug and substance abuse incidents, domestic violence related cases and breaches of domestic violence orders have all increased despite a far greater police presence

Source: Closing the Gap in the Northern Territory 2009 <sup>1</sup>

#### The reform agenda: Closing the Gap

Aboriginal and Torres Strait Islanders have shorter life expectancy, lower levels of education, higher levels of unemployment, and are more likely to live in poverty and to live in an overcrowded house than other Australians.

New 2005-2007 experimental figures from the Australian Bureau of Statistics calculate life expectancy at birth of Aboriginal and Torres Strait Islander Australians at 67.2 years for men and 72.9 years for women. These figures are well below the 82.6 and 78.7 year average for non-Indigenous females and males respectively, for the same period and create life expectation inequality gap of 9.7 years for females and 11.5 years for males. <sup>2</sup>

Approximately 30 years ago, life expectancy rates for indigenous peoples in Canada, New Zealand and the United States of America were similar to the rates for Indigenous peoples in Australia. However, significant gains in life expectancy have been made in the past two decades in the indigenous populations in Canada, New Zealand and the United States of America. Comparable mortality rates for Aborigines and Torres Strait Islanders in 1990-1994 were at or above the rates observed 20 years ago in Maori and Native Americans, being 1.9 times the rate in Maori, 2.4 times the rate in Native Americans, and 3.2 times the rate for all Australians. <sup>3</sup>

Indigenous people have lower levels of education than non-Indigenous Australians. 49.9 per cent of non-Indigenous Australians have no non-school qualification compared with 71 per cent of Indigenous Australians.

The Rudd-Gillard Labor Governments have adopted the rhetoric of “closing the gap” to describe their aspiration for achieving socio-economic equality for Aboriginal and non-Aboriginal Australians.

#### The positives

Overall, there are many positive aspirations in the rhetoric of this reform agenda. These include aims to:

- Increase the literacy rates of Aboriginal and Torres Strait Islander children and to improve levels of their school attendance;
- Improve the health of Aboriginal people;
- Reduce violence and sexual abuse of Indigenous women and children.

But there is a gap between these aspirations and results on the ground. And there is a gap between the government’s rhetoric of wanting to take an “evidence based” approach and its actual policies.

#### The barriers

Some of those barriers to achieving equality for Indigenous people under the current policy framework include:

- **The limited definitions of “closing the gap”.** The areas targeted by the government in its report card are narrow. Australians for Native Title and Reconciliation (ANTaR) have pointed out that there are serious flaws in the broader strategy, in particular, overlooking evidence of what works, including key determinants of health inequality and disadvantage critical to achieving its closing the gap targets and not working in partnership with Indigenous people to develop or implement its closing the gap strategy.
- **Funding interventions instead of facing the underlying issues.** Indigenous policy is always targeted at intervention, at emergency. It rarely seeks to look at the underlying issues. Addressing disadvantage requires long term solutions, not just interventions. Rather than always reacting to a crisis, a long-term sustained approach requires addressing the underlying causes of disadvantage. This means resourcing adequate standards of essential services, adequate provision of infrastructure and investment in human capital so that communities are developing the capacity to deal with their own issues and problems and have the skill sets necessary to ensure their own well-being. There are no short-cuts, quick fixes or panaceas. Whatever the perceptions of the electorate, the fact is that there is not enough money spent on Aboriginal housing, education and health. <sup>4</sup> The

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pot is too small and no government will fix the problems while all they do is engage in trying to redirect the scarce resources towards one pressing need at the expense of others.

- **Focus on remote communities.** Much of Indigenous policy is targeted at remote communities – resources too. <sup>5</sup> Look at where the previous government and the current government are directing resources for social housing and you will see it is primarily focused on remote communities. Yet the largest Aboriginal communities do not live in remote areas. They live in cities. The largest is in Western and South Western Sydney with 28,065 Indigenous people. <sup>6</sup> And on the recent Australian Bureau of Statistics figures it is one of the most socio-economically disadvantaged communities in the country, more disadvantaged than many of the Aboriginal communities being targeted by the federal government. <sup>7</sup>
- **Ideology over research-based approaches.** Indigenous affairs is full of ideologies. These include the ideologies of assimilation and mainstreaming, the newer ideologies of mutual obligation and shared responsibility, and the ideology that communally-held land is bad – if it is held by Aboriginal people – and should be unlocked so that non-Aboriginal people can access it. An example of the ideological approach in action is the policy of quarantining the welfare payments of parents of Aboriginal children who do not attend school. There is no evidence that shows that linking welfare to behaviour reforms is effective. <sup>8</sup>
- **Failure to engage in a robust policy debate.** When the Northern Territory intervention was first rolled out in June 2007, the Howard Government silenced critics by accusing anyone who didn't support all of the measures of 'protecting' paedophiles. Once in office, the Labor government has done much the same. Rational policy debate over whether these policies are effective is avoided by the repetitive deployment of phrases such as 'we just care about women and children' or mealy-mouthed assurances that 'we are committed to closing the gap'.

### **Mythbuster: The Northern Territory Intervention has led to an increased consumption in fresh food**

Jenny Macklin, Minister for Indigenous Affairs, claimed she had evidence that the intervention was increasing the consumption of fresh food because more was being sold through community stores. When questions were asked in Senate estimates about how these claims were substantiated, it was revealed that the basis of the evidence Macklin relied on was a survey of ten phone-calls to community stores asking whether there was an increase in fresh food sales. Six said 'yes', three said 'no' and one said they 'didn't know'. <sup>9</sup> While properly conducted phone surveys have a time and a place, it was patently clear that more complex questions needed to be asked. For example, who was buying the food? Was it the indigenous peoples whose income was quarantined? Or was it the army and coterie of public servants brought in to roll the intervention out?

Subsequent longitudinal studies conducted by the Australian Indigenous Doctor's Association (AIDA) <sup>10</sup> and the Menzies School of Health Research <sup>11</sup> demonstrate that there is no evidence of an increase in consumption of fresh food or that income quarantining is working. In fact, AIDA concluded that the documented harms greatly outweigh any of the few benefits cited by the government.

The Labor government's racially discriminatory approach to Aboriginal policy is most clearly seen in the area of housing, a policy cornerstone of the Northern Territory intervention which has in turn been championed by Macklin.

The evidence likewise suggests that the intervention is failing to improve other key measures of child welfare. Sunrise Health Service in the Katherine area has been collecting data since before the intervention. Its data indicates anaemia rates in children under the age of five have jumped significantly since the Intervention. From a low in the six months to December 2006 of 20 per cent—an unacceptably high level, but one which had been reducing from levels of 33 per cent in October 2003—by June 2008 it had reached 55 per cent. Those results equated with early childhood anaemia levels in Iraq and Zambia; and are worse than Zimbabwe, Pakistan, Bangladesh and Algeria. <sup>12</sup>

### Policy ideas

#### **Idea #1 – A non-discriminatory housing policy**

The policy on Aboriginal housing reflects the discriminatory assumptions that run through federal Aboriginal policy-making. Housing in the community sector is the responsibility of the Federal Minister for Housing, Tanya Plibersek, whilst Aboriginal community-owned housing falls under Macklin's ministerial responsibilities. Macklin argues that Aboriginal communities would benefit from the 'strong regulatory framework' provided by the state and territory government agencies in relation to the provision of housing.

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By comparison, Plibersek is more sceptical of the ability of public housing authorities to deliver, as reflected by her remark that, 'We are often not delivering opportunities for public housing tenants; 90 per cent of stock is held by eight government providers; and our system is not transparent or accountable.'<sup>13</sup> She has also spoken supportively of what she thinks community-based housing organisations can provide: they are good at tenancy management, often have lower rates of rental arrears and possess better track records at maintenance than state housing authorities.

There is an important ideological difference here. Plibersek supports the transfer of the title of public housing from state and territory housing authorities over to the community housing sector so that they can provide housing. Macklin has a completely different attitude. She insists that the title of the land on which community housing is built must be transferred from the Aboriginal community to state housing authorities through a long term lease (from 40 to 99 years). Housing is then delivered by government housing authorities (the same ones that Plibersek described as 'not transparent or accountable') and the release of monies is contingent on communities leasing their land back. Yet this is the housing policy to which Macklin has adhered as part of the Northern Territory intervention.

There is more than just ideology at play, however. Fundamental practical questions have been asked, since the \$680 million housing program in the Northern Territory did not deliver one new house in the space of 18 months. The 2010 budget papers reveal that seven houses were finally built under the program after two years. Warlpiri Elder, Harry Nelson Jakamarra, had this to say on the matter: 'The Intervention housing program has not built any new houses at Yuendumu. We are just being blackmailed. If we don't hand over our land we can't get houses maintained, or any new houses built. We have never given away any Warlpiri land and we are not going to start now.'<sup>14</sup>

Ampilatwatja is a town three hours from Alice Springs. It was taken over with a five-year lease that came with the promise of new housing. The housing stock was transferred to Northern Territory Housing. No new houses were built and much needed repairs did not take place. By July 2009, the town was overflowing with raw sewerage. A plumber was supposed to be on his way but his truck broke down, or so the community was told. They packed up and moved to a camp six kilometres from the town, symbolically taking them outside of the prescribed areas of the intervention.

#### **Idea #2 – Removing punitive welfare conditions**

The embrace of income management policies is another example of how the continuation of conservative ideological dogma runs contrary to evidence-based public policy. For instance, the quarantining of welfare payments was included as part of the intervention with the seductive rhetoric that it would be linked to school attendance. This played well with an electorate who probably assumed that low attendance rates and poor educational outcomes for Aboriginal children were caused by the poor parenting of their parents. Yet there is evidence that shows that poor educational outcomes for Aboriginal children are explained by other factors.

An evaluated trial of a scheme linking welfare payments to school attendance in Halls Creek found that the attitudes of parents of Aboriginal children were only one of the factors that affected school attendance. It pointed to the central role of quality teaching and general school culture plays in the attendance and performance of Aboriginal children. It also found that the housing situation in Halls Creek – where overcrowding is a critical problem – is unlikely to provide an environment where families can be 'school ready'.<sup>15</sup>

There is simply no evidence that shows that linking welfare to behavioural change is effective. In fact, there is evidence that suggests the very opposite: the imposition of such punitive measures in an already dysfunctional situation will exacerbate the stress on households.<sup>16</sup> The goal of improved attendance may be better achieved by the introduction of breakfast and lunch programs; programs that bring the Aboriginal community, especially Elders, into the schools; Aboriginal teacher's aides and Aboriginal teachers; curriculum that engages Aboriginal children; and programs that blend the development self-esteem and confidence through engaging with culture with programs that focus on academic excellence.

These effective programs and strategies show the importance of building a relationship of trust between Aboriginal families and the school in order to target attendance and performance. These factors come from a range of

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successful community-school driven projects including Augusta Primary School in South Australia, Cairns West State School in Queensland, Darlington Public School in New South Wales, the Deadly Ways to Learn project in Western Australia, the Ganai project in Victoria, the Merredin Senior High School in Western Australia, Narrabundah Primary School in the ACT, Nidia Noongar Boodjar Noonook Nyininy materials, the “Road Open: The Kimberley” interactive DVD, the Rosetta Primary School in Tasmania and Yarrabah State School in Queensland.

All of this suggests that, rather than simply punishing parents for their children’s non-attendance, the government should be providing schools and teachers that meet the needs of the Aboriginal community.

It cost \$88 million to make the initial administrative changes in Centrelink to facilitate the welfare quarantining yet not one additional dollar was spent in the first wave of the intervention on any of the types of programs that have been proven to engage Aboriginal children in schools.

Further, COAG evaluation data showed that the Northern Territory was spending 47c on the education of an Aboriginal child for every \$1 spent on the education of a non-Aboriginal child. Many Aboriginal communities in the Northern Territory do not have enough teachers, classrooms or desks to accommodate all the children that reside in the community.

A punitive measure placed on families to ensure their children come to school is hypocritical from any government that neglects the same children by failing to provide adequate funding for a teacher and a classroom. Even if it did work to physically bring more children into a classroom, how can a quality education be received if there has been under investment in teachers and educational infrastructure to begin with?

#### **Quick wins: Three fixes in three minutes**

##### *Combining pragmatic politics and progressive policies*

There have been claims that plenty of money has been spent on Aboriginal and Torres Strait Islander people with little impact. Here are three targeted policy initiatives that would give guaranteed good results.

##### **Quick win #1 – Adequately fund Aboriginal legal services to meet the needs of their clients**

Aboriginal legal services have been underfunded for over 15 years. The Rudd-Gillard government delivered a one-off funding boost to the community legal services sector but Aboriginal legal services are still funded less per case than mainstream community legal services. This significantly hinders the capacity of the Aboriginal legal services to meet the needs of Aboriginal people going before the courts and adds to the higher levels of incarceration, particularly as a result of the refusal of bail.

##### **Quick win #2 – Invest in diversionary programs**

Despite the findings and recommendations of the Royal Commission into Aboriginal Deaths in Custody, incarceration rates of Aboriginal people continue to rise, particularly for Aboriginal women and juveniles. Diversionary programs, particularly those working with young offenders, have been effective in reducing the re-offending rates. These programs – such as circle sentencing – have been trialled but resources have not been allocated to ensure that they can be rolled out in the communities that need them the most.

##### **Quick win #3 – Support community controlled Aboriginal health services**

Like the Aboriginal legal services, Aboriginal health services have been underfunded, making it difficult for them to meet the needs of their client base.<sup>17</sup> While there has been a push towards mainstreaming of Aboriginal health provision, there remains a strong case for Aboriginal health services. The health needs of Aboriginal people are distinctive and complex and services that target those specific needs are far more likely to be effective.<sup>18</sup>

Aboriginal people still show reluctance to use mainstream services, believing they are more likely to be discriminated against.

**So crazy it just might work...**

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### *Engage with Indigenous communities and commit to building their capacity*

Policy makers continue to overlook and dismiss the knowledge that Aboriginal people have about solving their own problems. The research in Australia and in Indigenous communities in North America shows consistently that the best way to lessen the disparity between Indigenous and non-Indigenous people is to include Indigenous people in the development of policy and the design and delivery of programs into their communities. Apart from sounding like common sense, the research shows that this engagement assists in ensuring the appropriateness and effectiveness of those policies and programs, as well as community engagement with them, and therefore greatly increases their success.

This level of engagement requires investment in building the capacity of Indigenous people and their communities. This means a commitment to something that policy makers often overlook: the need to invest in human capital. If participation by Indigenous people is a central factor in creating better policy, program and service delivery outcomes, there needs to be more effort to build up the capacity for that kind of engagement. This would include:

- rebuilding an interface between the government and the Aboriginal community through representative structures so that governments can more effectively consult with and work with Aboriginal people.
- focusing on the provision of training and education in ways that improve the capacity of Aboriginal communities. This means moving away from simple solutions like simply removing children into boarding schools and instead looking at a range of strategies that build the skill sets and capacities of adults as well as younger people who need to retain contact with their families if they do leave for better schooling opportunities;
- increasing the number of Aboriginal people in the public service and who are engaged with developing and delivering Aboriginal policies and programs; and,
- looking at flexible employment arrangements such as work-for-the-dole schemes that understand that in many Indigenous communities there is no viable workforce or there are barriers to entering the workforce. Such schemes can assist with the provision of services and infrastructure in the community at the same time as they build capacity and skills within the community itself.

### **Conclusion**

While the apology was a significant symbolic shift in the national dialogue between Indigenous and non-Indigenous Australians, the policy shift between the Howard Government and the Rudd-Gillard Government was less discernable. Key policy initiatives and ideological assumptions, particularly those that formed part of the Northern Territory intervention, continued despite a change of government. Under Labor, the quarantining of welfare payments and the requirement that Aboriginal communities lease back land in order to access housing money have been rolled out across the country, even though there is evidence of the failure of these policies to improve the conditions of Aboriginal people in the Northern Territory.

The ambition of ‘closing the gap’ is an admirable one and should be the key target for government policy. However, current policy approaches are running contrary to the evidence of what works in achieving better outcomes and the government continues to ignore the clear evidence of current policy failure. The poor results from current government policy are exacerbated by the fact that the Coalition shares the same ideological approach and has not questioned government failure in this area to the extent that it has in others. The losers in that have been Aboriginal people on the ground.

Indigenous policy needs a complete rethink. As Kevin Rudd said during his historic speech apologising to the stolen generations, we have to stop making the same mistakes that we made in the past. Fine rhetoric – but Indigenous communities now need that sentiment to guide policy makers.

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