



Submission to the *Closing the Gap Refresh*

April 2018



**Jesuit  
Social Services**  
Building a Just Society

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## Who we are

Jesuit Social Services has been working for more than 40 years delivering practical support and advocating for improved policies to achieve strong, cohesive and vibrant communities where every individual can play their role and flourish.

We work with some of the most marginalised individuals and communities, often experiencing multiple and complex challenges. Jesuit Social Services works where the need is greatest and where we have the capacity, experience and skills to make the most difference.

Our services span Victoria, New South Wales and the Northern Territory where we support more than 57,000 individuals and families.

Our service delivery and advocacy focuses on the following key areas:

- **Justice and crime prevention** – people involved with the justice system
- **Mental health and wellbeing** – people with multiple and complex needs and those affected by suicide, trauma and complex bereavement
- **Settlement and community building** – recently arrived immigrants and refugees, and disadvantaged communities
- **Education, training and employment** – people with barriers to sustainable employment.

The promotion of **education, lifelong learning and capacity building** is fundamental to all our activity. We believe this is the most effective means of helping people to reach their potential and exercise their full citizenship. This, in turn, strengthens the broader community.

Research, advocacy and policy are coordinated across all program and major interest areas of Jesuit Social Services. Our advocacy is grounded in the knowledge, expertise and experiences of program staff and participants, as well as academic research and evidence. We seek to influence policies, practices, legislation and budget investment to positively influence participants' lives and improve approaches to address long term social challenges. We do this by working collaboratively with the community sector to build coalitions and alliances around key issues, and building strong relationships with key decision-makers and the community.

Our Learning and Practice Development Unit builds the capacity of our services through staff development, training and evaluation, as well as articulating and disseminating information on best practice approaches to working with participants and communities across our programs.

*We acknowledge the Traditional Custodians of all the lands on which Jesuit Social Services operates and pay respect to their Elders past and present. We express our gratitude for their love and care of the land and all life.*

## Introduction

Jesuit Social Services welcomes the opportunity to respond to the Closing the Gap Refresh consultations.

We believe all Australians should have access to the opportunities in life that will enable them to flourish – to complete their education, to get a job, to access safe and affordable housing, to raise their children in safe communities and to see the next generation thrive.

Our submission offers feedback on a number of the key areas that we believe must inform the development and implementation of the Closing the Gap framework:

- assumptions underlying the ‘Gap’
- ensuring that solutions are owned and led by Aboriginal and Torres Strait Islander communities
- understanding the nature and impacts of entrenched disadvantage
- including justice and child protection targets
- incorporating a holistic conception of ecological justice.

In the ten years since the launch of the Closing the Gap initiative only one out of the seven targets is on track. This failure demonstrates a fundamental error in the way business is done with Aboriginal and Torres Strait Islander communities. This Closing the Gap Refresh needs to be accompanied by genuine change in the way that the Federal, state and territory governments engage with Aboriginal and Torres Strait Islander people that sees Aboriginal and Torres Strait Islander peoples in genuine partnership in the design, implementation and monitoring of policies and programs affecting their communities.

Over the last ten years, there have been a number of policy failures that have exacerbated the gap between Aboriginal and Torres Strait Islander peoples and the rest of the Australian population.<sup>1</sup> It is imperative that any changes to Closing the Gap need to be followed through with genuine policy action that reflects the Closing the Gap principles. This must occur across all programs and policies affecting Aboriginal and Torres Strait Islander peoples, not just those directly relating to Closing the Gap targets.

Above all, greater resources and autonomy, particularly on a local, community level, must be given to Aboriginal and Torres Strait Islander peoples to see real change in closing the gap.

### *Understanding the deeper issues and what we mean by the ‘gap’*

The heart of Jesuit Social Services is to build relationships that foster a sense of personal and communal belonging. This is particularly so with the Closing the Gap Refresh. Jesuit Social Services believes that our relationship with Aboriginal and Torres Strait Islander peoples requires a genuine inter-cultural dialogue that acknowledges the social, economic, spiritual, cultural and political mores of our ‘two worlds’ – the real gap.

Jesuit Social Services approaches genuine inter-cultural dialogue as more than being tied to improving the ‘health and wealth’ of Aboriginal and Torres Strait Islander peoples. While the Closing the Gap Refresh seeks ‘genuine partnerships with Indigenous leaders, organisations and communities to identify the priorities that will inform how governments can better design and deliver programs and services to close the gap’, Jesuit Social Services believes establishing genuine inter-cultural dialogue must pre-exist the design, development and delivery of programs and services.

## Structural Reform

Aboriginal and Torres Strait Islander peoples must have greater ownership over the Closing the Gap initiative. Jesuit Social Services supports calls to introduce Aboriginal and Torres Strait Islander accountability mechanisms that ensure Aboriginal and Torres Strait Islander voices are not just heard but actively play a role in shaping the Refresh, implementing new policies and programs and monitoring the ongoing progress.<sup>2</sup>

While there are various ways that this could occur, Jesuit Social Services sees it as imperative that a diversity of Aboriginal and Torres Strait Islander voices are engaged, which is reflective of the diversity among Aboriginal and Torres Strait Islander peoples across the country.

## Addressing entrenched disadvantage

In 2015, Jesuit Social Services along with Catholic Social Services Australia released the findings of its fourth *Dropping off the Edge Report (DOTE)*,<sup>3</sup> which found that complex and entrenched disadvantage continues to be experienced by a small but persistent number of locations in each state and territory across Australia. These communities experience a web-like structure of disadvantage, with significant problems including unemployment, a lack of affordable and safe housing, low educational attainment, and poor quality infrastructure and services.<sup>4</sup>

### *Engaging and empowering communities*

The social fabric of communities can play an influential role in buffering the worst effects of disadvantage<sup>5</sup>, with community factors being shown to influence mental health levels in children<sup>6</sup>, education and levels of safety and crime<sup>7</sup>.

The impacts of trauma (including neglect and exposure to violence) on children are severe and have lasting consequences, with altered brain growth and psychological functioning shown to be linked to trauma<sup>8</sup>. There are long-term social costs associated with this, including mental health issues and other chronic health problems, criminality, homelessness, substance misuse and abuse and intergenerational transmission of abuse. It is estimated that child abuse and neglect in Australia cost almost \$5 billion per year, including interventions and the associated long-term human and social costs<sup>9</sup>.

The *Uluru Statement from the Heart*<sup>10</sup> talks of the “torment of our powerlessness”, stating that:

We seek constitutional reforms to empower our people and take a rightful place in our own country.  
When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country.

In this context, responding to the Closing the Gap measures requires a focus on healing and self-determination, so that Aboriginal and Torres Strait Islander peoples can have a voice and control over addressing issues that affect them as well as strengthen their families and communities through greater connection to culture and tradition. This involves a long-term, whole-of-government approach that is built on trusting, strong relationships with Aboriginal and Torres Strait Islander people, organisations and communities.

A community capacity building approach provides a framework to bring together the government, community organisations, Aboriginal Community Controlled organisations and Aboriginal and Torres Strait Islander communities. Through this partnership, the strengths of Aboriginal and Torres Strait Islander peoples can be harnessed to increase protective factors and prevent the impacts of disadvantage.

Fundamentally, changes are needed to build local capacity and enable Aboriginal and Torres Strait Islander communities to have control over the decisions that affect them. In order to tackle entrenched disadvantage and the over-incarceration of Aboriginal and Torres Strait Islander peoples, we believe efforts must be focused on two key areas, which are intrinsically linked:

1. A multi-layered, cooperative and coordinated strategy that is owned and driven by the community.
2. Place-based structures, plans and resources targeted to our most vulnerable communities to effectively break the web of disadvantage.

#### *A new approach*

A new approach is needed so we do not continue to fail the communities that bear the greatest burden of disadvantage. A sustained long-term commitment across the government, community and business sectors is urgently required to resolve this complex problem.

Jesuit Social Services calls on all Governments, in partnership with the community, to act immediately to put in place appropriate structures, plans and resources targeted to our most vulnerable communities to effectively break the web of disadvantage.

We need a multi-layered, cooperative and coordinated strategy that is owned and driven by the community. It must involve all layers of government and the business and community sectors, reflecting shared responsibility and joint commitment to resolve this entrenched problem. This strategy must take account of the unique characteristics and circumstances of local communities and be sustained over the long term. It must be:

- **Targeted** – The response must be targeted or concentrated to specific areas that meet the most severe criteria for disadvantage.
- **Tailored** – The policies, programs and approach to dealing with disadvantage in a community must be unique to that community's needs, tailored to their particular circumstances, based on the unique linkages between indicators in that area and supplemented by informed audits of existing programs in that locality.
- **Integrated and cooperative** – The response needs to acknowledge that disadvantage in one dimension of life (e.g. unemployment) reinforces disadvantage in other areas (e.g. household income). Effective responses to reducing disadvantage must address the multiple and interrelated causes and exacerbating factors that underpin the entrenched nature of disadvantage experienced by communities. Effective responses therefore involve cooperation between government and departmental portfolios, integrated community initiatives and coordination between different levels of government.
- **A long term horizon** – DOTE 2015 demonstrates that not only is entrenched disadvantage persistent across time but that short-term policies do not work in addressing the experience of disadvantage among communities. A long-term, bipartisan commitment is vital to prevent communities from dropping off the edge.
- **Community owned and driven** – Community leaders must be engaged to drive sustained change. A new approach must recognise the strength within communities and work with them to build capacity, generate action, attract external resources and maintain direction and energy. There is a well-documented history of the benefit of 'aid', disconnected from the strengthening of specific community capacities, tapering off and disappearing once external inputs cease.
- **Engaged at the individual, community and national levels** – Research into the outcomes people experience in life demonstrates that individuals are affected by their own capabilities and

opportunities, their family circumstances, their community, and the broader social and economic environment. Any effective change in the outcomes for individuals must therefore include action across these three domains of life: individual, community and macro environment.

We call on Australian Governments (federal, state and territory), in partnership with the community, to act immediately to put in place appropriate structures, plans and resources targeted to the most vulnerable communities to effectively break the web of disadvantage.

## **Closing the Gap Targets**

The Closing the Gap targets seek to develop an accurate picture of the gap in life outcomes between Aboriginal and Torres Strait Islander peoples and the non-Indigenous population. When considering which outcomes best measure this gap, there are numerous domains beyond health, education and employment where Aboriginal and Torres Strait Islander peoples come out significantly more disadvantaged than the rest of the Australian population.

In line with our work, Jesuit Social Services calls for the introduction of justice and child protection targets, given the stark over-representation of Aboriginal and Torres Strait Islander peoples in both these systems. More broadly however, Jesuit Social Services calls for the revision of the current targets as well as the introduction of new targets to be developed in partnership with Aboriginal and Torres Strait Islander peoples. In particular, Jesuit Social Services would like to see the introduction of strengths-based targets that focus on connection to culture, language and healing.

### **Justice targets**

Prison should always be used as a last resort, and prevention and diversion should be prioritised. There is a place for incarceration in society, but there is no doubt that vulnerable and marginalised people are more likely to end up incarcerated. The more disadvantaged a person is – whether in relation to educational achievements, health, mental health, family violence or trauma – the more likely the person is to enter the justice system.<sup>11</sup>

We believe the over-representation of Aboriginal and Torres Strait Islander peoples in the criminal justice system is a national disgrace. More than two decades ago, the report of the Royal Commission into Aboriginal Deaths in Custody was tabled in the Federal Parliament. It prompted cries of shame and promises to do better; however, little has improved and many areas have gone backwards. For example, incarceration and police custody rates for Aboriginal and Torres Strait Islander peoples have actually increased since the royal commission tabled its report<sup>12</sup>.

Efforts to reduce the high incarceration rates of Aboriginal and Torres Strait Islander people must seek to encompass healing and strengthen self-determination. Until these issues are addressed, the over-representation in the justice system is likely to continue.

We believe the Commonwealth Government should develop measurable and strategic justice targets as part of the Council of Australian Government's review of the Closing the Gap policy and in this way deliver a nationally coordinated approach to addressing the overrepresentation of Aboriginal and Torres Strait Islander people in prison.

Targets adopted unilaterally by states and territories are insufficient; all levels of government are responsible for addressing Aboriginal and Torres Strait Islander overrepresentation in the justice system.<sup>13</sup> Justice targets would focus national policy attention on 'closing the gap' when it comes to Aboriginal and Torres Strait Islander incarceration rates while simultaneously providing a cohesive framework for stakeholders across Australia to work to improve life outcomes for Aboriginal and

Torres Strait Islander peoples. Adopting justice targets would complement and strengthen efforts to meet existing Closing the Gap targets, particularly those related to health, employment and education.<sup>14</sup>

Justice targets must be accompanied by community-driven solutions to address Aboriginal and Torres Strait Islander offending due to the clear and proven link between offending and social disadvantage.<sup>15</sup> Justice reinvestment should be implemented as an approach to re-direct funding towards such solutions. The Government must make sustained investments to address the root causes of disadvantage within Aboriginal and Torres Strait Islander communities in order to deliver on these justice targets.

These justice targets must be measurable so that Governments can be held accountable to the targets in the long term. They should also be developed in consultation and partnership with Aboriginal and Torres Strait Islander bodies and communities.<sup>16</sup>

Jesuit Social Services supports calls by the Human Rights Law Centre and Change the Record Coalition for the federal government to develop justice targets as part of the Closing the Gap framework. These targets should aim to:

- (a) close the gap in the rates of imprisonment between Aboriginal and Torres Strait Islander people and non-Indigenous people by 2040; and
- (b) cut disproportionate rates of violence against Aboriginal and Torres Strait Islander people to at least close the gap by 2040, with priority strategies for women and children.<sup>17</sup>

### **Child Protection targets**

The Royal Commission into Youth Detention and Child Protection in the Northern Territory found clear evidence of the pathways from child protection into the youth justice system. While a number of children and young people in the child protection system never enter the youth justice system, the Royal Commission found that 75.2% of Aboriginal children and 60% of non-Aboriginal children who had a proven guilty offence had been previously reported to child protection.<sup>18</sup>

The all too common trajectory from child protection to youth justice, and then on to adult justice involvement, is widely evidenced across Australia. In particular, Aboriginal and Torres Strait Islander child and young people are more at risk of involvement in child protection than their non-Indigenous peers. Nationally, Aboriginal and Torres Strait Islander children and young people are 7.6 times more likely to come into contact with child protection.<sup>19</sup>

Australian Governments have failed to learn the lessons from the Stolen Generation, with Aboriginal and Torres Strait Islander children and young people continuing to be 9.8 times more likely to be removed from the families by child protection authorities than their non-Indigenous peers.<sup>20</sup>

The Closing the Gap Refresh presents an opportunity to focus government attention on the appalling rates of child protection involvement in the lives of Aboriginal and Torres Strait Islander children and young people. More needs to be done to address intergenerational trauma through healing initiatives and support for families to thrive before situations escalate to the point of removal.

Jesuit Social Services calls for the introduction of targets that seek to:

- Reduce the rate of Aboriginal and Torres Strait Islander children and young people in Out-of-Home Care
- Increase compliance in child protection placements of the Aboriginal Placement Principle

## Ecological justice

In an increasingly complex era of rising social inequity, environmental degradation and climate crisis, new challenges towards building a just society are appearing. The most marginalised and vulnerable continue to bear the brunt of inequality and disadvantage - they are often the least responsible for these social injustices as well as ecological risks and threats - but are the most affected by their emergence.

Jesuit Social Services' understanding of justice has thus expanded to include not only social justice, but also environmental justice. Ecological justice therefore represents the union of both of these domains - a historical understanding and an emerging perspective of the forces which shape our world. To this end, **ecological justice means that all measures to create improved social outcomes must also consider both environmental effects and outcomes.**

The pursuit of ecological justice involves a multi stakeholder approach inclusive of governance, business and community engagement. It also involves ethical transformation where healthy relationships become a central principle of pursuing justice.

As outlined in Jesuit Social Services' *Ecological justice: Expanding the Conversation*<sup>21</sup>, Aboriginal and Torres Strait Islander people's law and cultures are the oldest in the world and are inextricably linked to relationship with land as familial bonds. The dispossession of ancestral lands has had devastating intergenerational social consequences. Viewing the circumstances of Aboriginal and Torres Strait Islander people through an ecological lens highlights how social disadvantage and marginalisation are caused by the loss of relationships with country.

The forced severing of healthy familial relationships with land has had a clearly negative impact on the wellbeing of Aboriginal and Torres Strait Islander peoples, resulting in disadvantage and marginalisation that is reflected in disproportionately high incarceration rates, deaths in custody, low health indicators, low education rates, poverty and intergenerational trauma.

Ecological justice in Australia, and within the community sector, requires recognition of this violence upon a people whose system of law and life was inherently ecological: where social and environmental relationships were balanced. In Australia, reconciliation needs to be with Aboriginal and Torres Strait Islander peoples, but also with the land of Australia that was taken from its original owners, and suffered from ecological distress as a result. Reconciliation with creation calls all Australians to heal the ecological injustices of the past, that impact upon the present, so we can care for our common home together.

Over the past 30 years, an environmental justice movement has developed, particularly in the United States of America, that advocates for equality and fairness in the distribution of environmental harms and benefits (distributive justice), and for the rights of affected communities to participate in decision-making regarding these distributions (procedural or participatory justice). Environmental justice can be defined as involving four aspects in relation to the built and organic environments:

- the fair distribution of environmental goods and harm
- the recognition of human and non-human interests in decision-making and distribution
- the existence of deliberative and democratic participation
- the building of capabilities among individuals, groups and non-human parts of nature

Environmental injustices are produced through various mechanisms, such as government planning and regulation and private interests that exploit specific areas and locales. Environmental justice issues in Australian cities include:

- the disproportionate impact of climate change (e.g. heatwaves, flooding) on marginalised communities

- food waste, scarcity and security
- energy vulnerability
- limited service provision and substandard infrastructure in remote Aboriginal and Torres Strait Islander communities and towns

In this context, we welcome the Government's inclusion of the environment as one of four key parts that underpin thriving communities. As outlined above, we encourage the Government to incorporate a full and holistic concept of environmental justice within the Closing the Gap framework.

## References

- <sup>1</sup> Markham, F. & Biddle, N. 2018, *Three reasons why the gaps between Indigenous and non-Indigenous Australians aren't closing*, The Conversation, <https://theconversation.com/three-reasons-why-the-gaps-between-indigenous-and-non-indigenous-australians-arent-closing-91561>
- <sup>2</sup> See *Special Gathering Statement: Closing the Gap Refresh, Building pathways for future prosperity*, Closing the Gap Refresh 2018; Central Australian Aboriginal Congress Submission to the Closing the Gap Refresh 2018; Holland, C. 2018, *A ten-year review: the Closing the Gap Strategy and Recommendations for Reset*, The Close the Gap Campaign Steering Committee for Indigenous Health Equity.
- <sup>3</sup> Vinson, T & Rawsthorne, M 2015, *Dropping Off the Edge 2015: Persistent Communal Disadvantage in Australia: Summary*.
- <sup>4</sup> Vinson, T. and Rowsthorne, M. (2015). *Dropping of the edge 2015*. Jesuit Social Services and Catholic Social Services Australia, Richmond and Curtin.
- <sup>5</sup> Vinson, T. & Rawsthorne, M. (2013) *Lifting Our Gaze: The Community Appraisal and Strengthening Framework*, Champaign, Illinois, Common Ground.
- <sup>6</sup> Xue, Leventhal, Brooks-Gunn & Earls (2005) Neighbourhood residence and mental health problems of 5 to 11-year-olds, *Archives of General Psychiatry*, May, 62 (5), pp. 554-63.
- <sup>7</sup> Vinson & Rawsthorne (2013).
- <sup>8</sup> Perry, B. (2002) 'Childhood Experience and the Expression of Genetic Potential: What Childhood Neglect Tells US About Nature and Nurture', *Brain and Mind*, 3 (1), pp 79-100; Jordan, B. & Sketchley, R. (2009) *A stitch in time saves nine: Preventing and responding to the abuse and neglect of infants*, NCPIC Issues No. 30 — September 2009, Australian Institute of Family Studies.
- <sup>9</sup> Keatsdale Pty Ltd (2003) *The Cost of Child Abuse and Neglect in Australia*, Albion, Queensland, Kids First Foundation.
- <sup>10</sup> [https://www.referendumcouncil.org.au/sites/default/files/2017-05/Uluru\\_Statement\\_From\\_The\\_Heart\\_0.PDF](https://www.referendumcouncil.org.au/sites/default/files/2017-05/Uluru_Statement_From_The_Heart_0.PDF)
- <sup>11</sup> Jesuit Social Services, 2016. *States of Justice: Criminal justice trends across Australia*. Jesuit Social Services, Melbourne. <https://jss.org.au/states-of-justice-criminal-justice-trends-across-australia/>
- <sup>12</sup> Anthony, T. (2016) *Deaths in custody: 25 years after the royal commission, we've gone backward*: <https://theconversation.com/deaths-in-custody-25-years-after-the-royal-commission-weve-gone-backwards-57109>
- <sup>13</sup> Reconciliation Australia (2016), 'Justice Targets Vital to Closing the Gap: Reconciliation Australia', viewed 30 August 2017, <<https://www.reconciliation.org.au/news/justice-targets-vital-to-closing-the-gap-reconciliation-australia/>>.
- <sup>14</sup> Labor 2017, 'Closing the Gap: Justice Targets for Safer, Stronger Communities', viewed 23 August 2017, <<http://www.alp.org.au/closingthegapjusticetargets>>.
- <sup>15</sup> National Justice Coalition (2015), 'Submission to the Senate Finance and Public Administration References Committee Inquiry Into Access to Legal Assistance Services', p.17.
- <sup>16</sup> National Justice Coalition (2015), 'Submission to the Senate Finance and Public Administration References Committee Inquiry Into Access to Legal Assistance Services', p.18.
- <sup>17</sup> Human Rights Law Centre, (2017). Submission to the Australian Law Reform Commission's Inquiry into Incarceration Rates of Aboriginal and Torres Strait Islander People. Human Rights Law Centre, Melbourne. <https://static1.squarespace.com/static/580025f66b8f5b2dabbe4291/t/59b88a94f14aa11bc995ad9c/1505266338192/HRLC+submission+-+ALRC+-+final.pdf>
- <sup>18</sup> Report of the Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory, Volume 3B.
- <sup>19</sup> AIHW 2018, *Child Protection Australia 2016-17*, Australian Institute for Health and Welfare, Canberra. <https://www.aihw.gov.au/reports/child-protection/child-protection-australia-2016-17/data>
- <sup>20</sup> Ibid.
- <sup>21</sup> Available at: <https://jss.org.au/ecological-justice-expanding-the-conversation/>