

Everyone's priority, no-one's responsibility

Submission to the Productivity Commission Second Review of the
National Agreement on Closing the Gap

Michael C. Dillon

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About the author

Over a career spanning 46 years, I have worked in and for remote Aboriginal communities and organisations and held a range of senior positions in both the Commonwealth and Northern Territory governments. Over the past decade, I have been a Visiting Fellow at the ANU. I have published regularly on Indigenous policy issues, including on the policy foundations of Closing the Gap. I continue to publish a personal blog, *A Walking Shadow* (<https://refragabledelusions.blogspot.com/>), focussed on Indigenous public policy and institutional transparency, which has over the past decade included numerous posts dealing with aspects of Closing the Gap and remote Australia.

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A note on terminology

References to *Closing the Gap* (capitalised) are to the arrangements established by the National Agreement on Closing the Gap, which came into force in July 2020.

References to *closing the gap* (not capitalised) are to the underlying and wider set of socio-economic inequalities between Indigenous and non-Indigenous citizens which constitute the original policy logic for Closing the Gap in its original formulation in 2008.

References to *the Agreement* and *the National Agreement* are shorthand for the National Agreement on Closing the Gap 2020.

The terms *framework* and *architecture* in relation to Closing the Gap are near synonyms. Framework refers to the totality of the administrative and policy elements (formal and informal) which are established by the National Agreement; architecture refers to the way in which those elements are designed and fit together. To use a crude metaphor, the framework is the house, the architecture is the design.

Executive summary

Closing the Gap is not solely a policy framework directed to the benefit of Aboriginal and Torres Strait Islander Australians as a discrete constituency. It is mainstream national policy, built on the widespread concern since the 1967 Referendum that action on Indigenous disadvantage was necessary, designed and sustained to reassure mainstream Australia that action is being taken, and as a direct consequence, it will stand or fall on mainstream Australia's confidence that the policy is working. That confidence is waning. The current Review – the second triennial review of the National Agreement – is a real, and possibly the last, opportunity to arrest that decline before a future government decides to abolish the framework in whole or in part, not because the underlying reform was misconceived, but because its implementation is widely perceived to have failed. Apart from the enormous cost of reverting to a zero-policy base, the larger risk is that the potential consequences on the ground, and within policy and political domains, are unknown and unknowable.

This submission assumes that the policy logic behind the original 2008 Closing the Gap framework, based on a COAG Agreement known as the National Indigenous Reform Agreement (NIRA), was and remains a national imperative. It argues that the National Agreement on Closing the Gap finalised in 2020, which refreshed that framework and arguably weakened its policy focus, nevertheless included pathbreaking institutional reforms (which include this Review) that deserve to be strengthened, not abandoned. It sets out:

- why the current moment requires more of this Review than its covering terms of reference invite;
- why the Productivity Commission's mandate under the Agreement already supports a more comprehensive inquiry; and
- why several matters central to the current debate – including the Commonwealth's potential leadership role, and the policy approach to addressing the challenges of remote Australia – need to be examined with more rigour than the prevailing discourse allows.

The overarching policy architecture, which is ostensibly aimed at addressing what are universally acknowledged to be unacceptable levels of disadvantage adversely impacting the life opportunities of hundreds of thousands of Australian citizens, is widely, and increasingly, acknowledged to be failing. That failure can be traced to the design choices that underpinned its establishment and its ongoing operation. Those design choices must be revisited.

The submission makes a series of suggestions and recommendations for those revisions. Two are central, and I ask the Commission to treat them as such.

First, remote and non-remote Australia are different policy problems (section 10). The fundamental drivers of systemic disadvantage in remote and non-remote Australia are so different that there should be a shift to establishing two separate frameworks, with concomitant architectures, for each geographical area. At a bare minimum, disaggregated remote and non-remote reporting, target-setting and funding should be made mandatory wherever the underlying policy problem differs. Without this, a

positive national narrative can be constructed while outcomes in remote Australia stagnate or go backwards.

Second, the Review should chart a pathway to a reformed architecture (section 15). The Commission's involvement in this Review offers the best opportunity to devise a revised conceptual basis for the Closing the Gap framework and architecture, and to outline the best pathway to achieve it. That pathway will necessarily involve multiple elements, including an independent assessment of the estimated cost of substantively closing the gap (i.e. over and above the constrained targets in the National Agreement) and a series of policy processes designed to make transparent the strategies governments are adopting to pursue both the long-term objective and any intermediate objectives that are set. The core principle to be applied must be the adoption of what I have termed 'radical simplification', to clear away the bureaucratic sludge that pervades the current arrangements and to ensure that the future focus is on tangible outcomes. Section 15 sets out a revised and updated version of an alternative model I first outlined in 2023, which I now propose as the initial template – or a benchmark against which any better pathway can be judged – for the Review's central considerations.

The remaining arguments in this submission, while important, are in my view second order and supportive of these two central propositions. They include: that the Commission's mandate under clauses 121 and 122 of the Agreement is broader than its current terms of reference (section 5); that the current architecture diffuses rather than locates accountability (sections 6 to 9); that the Commonwealth should lead and the states and territories must pull their weight (sections 7 and 8); and that the Commonwealth's current rhetorical shift to 'economic empowerment' must link directly back to the foundational drivers of economic participation – education, health, employment, housing, community safety and social services (section 4).

Attachment C lists a series of more detailed subsidiary and complementary recommendations designed to assist the reviewers to address the broader and strategically important arguments at the core of this submission.

1. Introduction

I made two submissions to the Commission's first review of the National Agreement on Closing the Gap, in December 2022 and September 2023 (Attachments A and B include links to each of those submissions). This submission builds on many of the themes laid out in those submissions and draws on my previous published research. Section 3 explains why those two submissions remain directly relevant to this Review, notwithstanding the passage of time.

The submission has three purposes. The first is to comment, where I believe I have something useful to add, on the matters this Review has been specifically asked to examine – the effectiveness of oversight and accountability arrangements (sections 6 and 9), whether partnerships reflect genuine power-sharing and the capacity of the Coalition of Peaks to engage as an equal partner (section 9), the community-controlled sector (section 12), and community access to data (section 13). I do not attempt a comprehensive response to each of those questions; others are better placed to do so, and in my view

they are subsidiary to the larger questions this submission raises. The second purpose, addressed in section 5, is to make the case that the Commission's own mandate under the National Agreement is broader than the current terms of reference suggest, and that this Review should use that broader mandate, rather than default to a narrower brief, to form a judgement on the causes of what I argue is the failed implementation of the current framework over the past six years.

The third and most important overarching purpose of this submission is to make the case that the current policy framework of Closing the Gap is not fit for purpose, and that the associated policy architecture is deeply flawed and arguably inconsistent with the underlying policy logic for closing the gap. To the extent that the Closing the Gap framework is not fit for purpose, the question for the Review then becomes how it might be rebuilt or modified to remedy its flaws and deficiencies. Importantly, for any such reform proposal to obtain traction, it must be linked to a budgetary feasible and politically viable implementation pathway. It is therefore crucial that the Review also consider the outline of such a reform implementation pathway to facilitate consideration by the Commonwealth in conjunction with other jurisdictions and relevant interests, especially First Nations interests. I have outlined my suggestions for such a pathway in section 15 of this submission.

2. Why this moment matters

It is natural to describe Closing the Gap as a policy of and for Aboriginal and Torres Strait Islander Australians, and in its objectives it is. But its political foundation lies elsewhere. Closing the Gap exists because mainstream Australia, confronted since 1967 with its constitutional and moral responsibility for the nation's First Peoples, has required a visible, sustained national response to an enduring injustice. The National Agreement's legitimacy, and its funding, ultimately depend on that mainstream constituency continuing to believe the response is genuine and is working – not on the preferences of any single Indigenous constituency, however legitimately represented.

This is not a criticism of the Agreement's emphasis on community control and partnership with the Coalition of Peaks, which are genuine and necessary reforms. It is an observation based on political economy. A policy sustained by a constituency with limited electoral weight of its own survives only for as long as the broader public consents to sustain it. That consent is not indefinitely renewable in the face of visible, unexplained and unaccountable failure. The 2023 referendum on an Indigenous Voice to Parliament, whatever one's view of the proposal itself, demonstrated that mainstream support for Indigenous-specific institutional reform cannot be assumed; it must be earned, and then sustained. It also demonstrated that the consequences of policy failure reverberate beyond the narrow confines of the particular policy profile.

On the Commission's own published assessment,¹ only four of the nineteen socioeconomic targets are currently improving and on track nationally, five are improving but not on track to meet the target, and a

¹ Productivity Commission (2026), *Closing the Gap Annual Data Compilation Report*, July 2026; see the high-level summary on page 2.

further two show no change from the baseline. More problematically, four targets are worsening and a further four are not assessed, either for lack of data or because the available data are unreliable. In summary then, of the nineteen targets, ten are either not moving in the right direction (six are worsening or show no change) or cannot be assessed at all (four). None of the four Priority Reforms is assessed due to lack of data (but see my argument in section 11 that these should be assessed in qualitative, not quantitative, terms).

The targets chosen in 2020 and thereafter are themselves riven by a range of well documented unresolved conceptual problems and, being based on an explicit determination to avoid ‘deficit framings’, are arguably systemically structured to avoid presenting a realistic narrative around the issues that require the most attention.² This submission does not comment on that record in detail, as I am certain that other submissions will, but it underlines the stakes for this Review: another report that catalogues and highlights process improvements while overall outcomes continue to disappoint will accelerate the loss of the public confidence the National Agreement requires to survive and ultimately to succeed.

In referring to overall outcomes, given the emblematic salience of Closing the Gap as a shorthand for government approaches to Indigenous policy generally, the continuing recurrence of policy failure in any part of the Indigenous policy domain (whether or not it relates to a specific target) erodes confidence and trust in the effectiveness of the Closing the Gap policy. The prevalence of such policy failures over and beyond the actual targets is the fundamental reason why the Closing the Gap policy framework has in my view failed. Governments (and the Joint Council) have treated the Closing the Gap framework mechanistically, whereas the policy logic that underpins it must be sustained holistically. Youth justice provides a stark example. All jurisdictions have committed under Target 11 to reduce the rate of Aboriginal and Torres Strait Islander young people (aged 10 to 17) in detention by at least 30 per cent by 2031, and dutifully list implementation actions against that target. Yet in 2024 the Northern Territory returned the minimum age of criminal responsibility to ten, and Queensland legislated its ‘Adult Crime, Adult Time’ regime – decisions that run directly counter to the target, but which the Closing the Gap machinery neither prevented nor appears to have registered as a failure of the Agreement.³ This is why the nation’s approach to Closing the Gap policy must be reconsidered and reformed to ensure it is actually making a difference, and not (as I would argue is presently the case) serving as a public relations exercise seeking to portray governments as succeeding in this policy domain.

In other words, the risk is not only that Aboriginal and Torres Strait Islander Australians are failed by a review that avoids asking the most strategically important questions, serious as that would be. The bigger risk is that mainstream Australia’s patience and support – the actual load-bearing wall of this whole architecture – gives way, and a future government abolishes or eviscerates the National Agreement, not as a considered judgement that the reform was misguided, but as a response to a decade of

² Refer to Dillon (2021a) for further discussion of this issue.

³ The Northern Territory restored the minimum age of criminal responsibility to 10 in 2024, and Queensland enacted its ‘Adult Crime, Adult Time’ legislation in 2024 (see also the examples cited in section 16). Target 11 of the National Agreement seeks to reduce the rate of Aboriginal and Torres Strait Islander young people (10–17 years) in detention by at least 30 per cent by 2031.

unaccountable drift. That would be a national tragedy, because the 2020 Agreement, for all its faults, was a genuinely pathbreaking reform: it needs to be strengthened and made to work, not discarded.

3. The continuing relevance of my 2022 and 2023 submissions

I made two submissions to the Commission's first review of the National Agreement: a primary submission in December 2022 (Submission 5) and a supplementary submission in September 2023 (Submission 37), responding to the Commission's draft report. Both are included as links in Attachments A and B. The Commission's final report, published in January 2024, made little evident use of either. That is unfortunate, but the more important point for this Review is different: almost nothing of substance in relation to the operation of the Closing the Gap policy framework has changed in the four years since I wrote them, and in many respects matters have gone backwards. Consequently, the two previous submissions remain broadly relevant to current circumstances. Accordingly, I ask the Commission to consider them as essential parts of this submission rather than as optional extra 'background' reading.

Submission 5 (December 2022) argued, among other things:

- that the Commission's review should assess the Agreement's overall coherence and adequacy, not merely audit implementation against it;
- that the Commonwealth should exercise its financial leverage to take a more prominent coordinating role rather than presenting itself conveniently as just one of nine equal parties;
- that the Priority Reforms as they were being interpreted – a process I described as an 'impressive feat of bureaucratic prestidigitation' – were conceptually incoherent as measurable targets, confusing broad (and important and legitimate) aspirations for institutional reform with specific, quantifiable indicators; and
- that jurisdictions' Implementation Plans amounted, in substance, to lists of pre-existing programs with marginal new funding attached, rather than genuine plans.

On the Implementation Plans, the submission observed that they arrive 'at different times, in different formats,' constituting 'an ever-changing kaleidoscope of colour and movement resisting any serious attempt to analyse... or even summarise' the Agreement's implementation – an observation that remains valid today.

Submission 37 (September 2023), which followed the release of the Commission's draft review report, reinforced several of these points and added others:

- that the Commission should assess the adequacy of the Agreement's design, not only the fidelity of its implementation;

- that the removal of schooling targets related to reading/numeracy and school attendance in the 2020 refresh of the Closing the Gap targets was a significant and poorly explained regression; and
- that the nineteen targets, spanning multiple jurisdictions and hundreds of supporting indicators ‘under constant change and refinement,’ had produced ‘a data labyrinth which is guaranteed to ensure that anyone foolish enough to enter is swiftly lost in the bowels of the machine.’

It also warned, presciently, that the demographic composition of Indigenous Australia made it entirely possible to ‘conjure a positive narrative on progress in closing the gap while ignoring the needs of remote Australia’ – a warning that section 10 of this submission argues has since reached a point where it demands substantive policy redesign.

Both submissions went beyond diagnosis to propose a different approach, and I ask the Commission to consider these proposals afresh rather than as irrelevant or overtaken suggestions from an earlier process. On how the Commission itself might conduct a more rigorous review, Submission 5 suggested:

- inviting each jurisdiction to provide a short, five-page summary of the tangible actions it has taken;
- following that up with a structured interview to seek further information or documentation where the written summary is inadequate;
- engaging an independent analyst to critically assess each jurisdiction’s written and oral evidence; and
- undertaking a genuinely comparative analysis across jurisdictions to identify common shortcomings and successes, rather than assessing each in isolation.

On the shape of a redesigned policy architecture, Submission 37 included an appendix which outlined an alternative framework for closing the gap, offered at the time not as a recommended model but as a demonstration that alternative and more coherent approaches to the Closing the Gap policy architecture are possible. On reconsideration, I am now confident that the core elements of that model offer a credible and realistic basis for reform. Section 15 of this submission sets out a revised and updated version, which I now propose as a starting template for the Review’s consideration.

4. The economic case for fixing Closing the Gap

The case for repairing the National Agreement does not rest solely on moral or institutional grounds. It can be made, and should be tested, in properly economic terms: as a question of public interest and of return on public investment over the medium and long term, not only as a matter of justice.

The government’s own recent reframing risks working against this. Since the 2025 Garma Festival, the Commonwealth has promoted a shift toward Indigenous ‘economic empowerment,’ centred on a First Nations Economic Partnership Agreement and new funding for Prescribed Bodies Corporate and clean

energy ventures on Indigenous land.⁴ As I have argued elsewhere,⁵ the funding involved is modest relative to the ambition claimed for it, and the reframing risks becoming code for a trickle-down theory of development – the expectation that supporting a relatively small number of Indigenous enterprises and asset-holders will generate broad-based economic benefit for Indigenous Australians generally. Prioritising policy support to Indigenous entrepreneurship raises multiple risks: encouraging ‘black-cladding’; encouraging rent-seeking over substantive innovation; and heightening the risks of corruption and waste. These risks are invariably glossed over in policy discussions of the economic empowerment agenda, and in and of themselves ensure that the flow-on benefits will not necessarily eventuate on the scale or in the timeframe that the crisis of Indigenous socio-economic inequality requires. More importantly though, the economic empowerment agenda (while legitimate on its own terms) conspicuously does not engage with the foundational pillars on which genuine economic participation depends: education, employment, health, housing and family and community safety.

Properly considered, economic empowerment is not a separate policy agenda that sits alongside Closing the Gap’s socioeconomic targets. It is what those targets, if achieved, would actually amount to. A citizen who is educated, healthy, housed and safe is economically empowered in every sense an economist would recognise: able to participate in the labour market, accumulate human capital, and contribute to and share in national income. A citizen handed a stake in a commercial resource venture without those foundations is not empowered; they are exposed to risk without the capability to manage it. Even where Indigenous citizens have the capabilities required, they may reside far from opportunities. The Commonwealth’s current policy pivot has the sequence backwards.

There is also a straightforward public-interest and fiscal case for taking the foundations seriously, distinct from any wealth-creation agenda. The costs of failing to close the gap do not disappear when they go unmeasured: they surface as costs elsewhere in the federation’s fiscal ledger – in health system demand, in the criminal justice and out-of-home care systems, in remedial and repeat service delivery, and in productivity foregone from a working-age population not participating in employment at anything like the rate of the wider population.

A practical starting point would be simply to know what governments currently spend. The Indigenous Expenditure Report, produced over most of the past two decades by the Steering Committee for the Review of Government Service Provision with the Commission’s support, was last published in 2017.⁶ Since then there has been no consolidated public account of what governments spend on Aboriginal and Torres Strait Islander Australians, whether through Indigenous-specific programs or through their use of

⁴ Prime Minister’s address to the Garma Festival, August 2025; see also the Prime Minister’s media release, *First Nations Economic Partnership*, 2 August 2025, <https://www.pm.gov.au/media/first-nations-economic-partnership>.

⁵ Dillon (2025). ‘The Commonwealth policy pivot to economic empowerment’, *A Walking Shadow*, August 2025.

⁶ Productivity Commission on behalf of the Steering Committee for the Review of Government Service Provision, *Indigenous Expenditure Report* (editions published 2010, 2012, 2014 and 2017). The Expenditure Reports were not without their own conceptual flaws; they failed to distinguish between positive and negative expenditures and failed to incorporate comment on the disparities between mainstream and Indigenous access to so-called tax expenditures.

mainstream services – and hence no means of relating expenditure to outcomes, or of judging whether the commitments made under the Agreement are funded at anything like the scale the task requires. Reinstating that report, disaggregated between remote and non-remote Australia, and under the direct control of the Productivity Commission (rather than the Steering Committee, which was not independent of the executive arm of government), would be a modest, practical and highly useful contribution to greater transparency and accountability.

In my December 2022 submission (linked at Attachment A), I made these points and went on to argue (pp. 8–9) that the Commission should develop an estimate of the financial investments required to close the gap. This should relate not to the gap as specified in the current targets, but to the substantive inequality across key socio-economic indicators that underpins the Closing the Gap policy logic. Such an assessment would necessarily be an estimate, but even so, it would bring a sense of reality to the task the nation faces and encourage governments that have already ‘committed’ to this task to identify new or alternative institutional reforms or policies that may be more cost effective than the current arrangements. Section 15 places this estimate at the foundation of the reformed architecture I propose.

The Commission, whose wider institutional purpose is precisely to weigh independently the economy-wide costs and benefits of policy settings, is well placed to assess and consider the wider economic implications of these intuitively obvious considerations, notwithstanding that most submissions to this Review are unlikely to raise them. It would be an inexplicably paradoxical outcome were the Commission to set aside its undoubted and longstanding comparative advantage in the provision of independent economic analysis and undertake a Review that ignores the economic consequences of the current institutional frameworks for closing the gap and their associated implementation arrangements.

5. The Commission’s mandate is broader than the current terms of reference

The Commission’s role in reviewing the National Agreement is not created afresh by each set of covering terms of reference issued by the Treasurer. It is established by the Agreement itself. Clause 121 of the National Agreement provides:⁷

The Productivity Commission will undertake a comprehensive review of progress every three years. This review will complement the Aboriginal and Torres Strait Islander-led review (below). It will provide an analysis of progress on Closing the Gap against the priority reforms, targets, indicators and trajectories, and examine the factors contributing to progress, including by drawing on evaluation and other evidence.

Clause 122 goes further, giving the Commission explicit standing to recommend structural change, not merely to observe:

⁷ National Agreement on Closing the Gap (July 2020), clauses 121–123.

The Productivity Commission’s review may include advice to the Joint Council on potential changes to this Agreement and its targets, indicators and trajectories, and on data improvements.

The current covering terms of reference, issued by the Treasurer on 28 August 2026,⁸ direct the Commission’s attention to a narrower set of questions: the effectiveness of oversight and accountability bodies, whether formal partnerships reflect genuine power-sharing, funding reform for the community-controlled sector, government institutional transformation, and community access to data. These are legitimate and important questions.

But the ‘factors contributing to progress’ language of clause 121 is plainly broader than this list. It self-evidently extends to whether governments are designing sound policy, allocating adequate and reliable funding, and building the coordination infrastructure competent delivery requires – matters the current terms of reference do not explicitly invite the Commission to examine, but which clause 121 already envisages that the triennial review will undertake. To state the obvious, this broader remit of the triennial reviews was a matter to which all nine jurisdictions, including the Commonwealth, committed. There should be no suggestion from any quarter that the remit of the Review should be narrower.

The distinction matters because of what is at stake if it is ignored. If the Commission treats the current covering terms of reference as a ceiling on its inquiry rather than a floor, it risks producing precisely the kind of process-focused report – thorough on oversight mechanisms and partnership structures, but silent on whether governments are actually funding and delivering good policy – that a public losing patience with process will read as the Commission ‘going through the motions’ alongside the governments it is meant to hold to account. That is a substantive institutional risk for the Commission, distinct from the political risk to government: if the Commission is seen to have confined itself to a narrow brief while the wider policy visibly and comprehensively fails, it will ultimately be seen to be complicit in that failure.

This submission accordingly asks the Commission to do two things. First, within this Review, to use the full scope that clauses 121 and 122 already give it wherever the evidence warrants – including examination of government policy design, funding adequacy and coordination failures – rather than treating the current covering terms of reference as exhaustive of its mandate. Second, if the Commission nonetheless judges the covering terms of reference too constraining to deliver the comprehensive review clause 121 promises, then it should say so plainly in its report, and use its clause 122 standing to recommend to the Joint Council that a genuinely fundamental and independent review now be commissioned. Either course is preferable to quietly working within a narrow brief and leaving the constraint unremarked. This is precisely the moment for the Commission to demonstrate that it is the independent, comprehensive reviewer the Agreement envisaged it to be, and the broader public assumes it to be.

⁸ Productivity Commission, *Review of the National Agreement on Closing the Gap*, terms of reference, 28 August 2026. <https://www.pc.gov.au/inquiries-and-research/closing-the-gap-review-2026/terms-of-reference/>

The Commission was no doubt given this role by the drafters of the National Agreement because of its long institutional tradition, stretching back through its predecessor bodies, of making hard arguments on the strength of robust analysis, even where those arguments challenge entrenched interests and prevailing political comfort. In terms of national significance, Closing the Gap is a twenty-first century analogue of the twentieth century challenge the nation faced over tariff protection: a policy area where vested interests, sentiment and bureaucratic inertia long outlasted the evidence against them, and where it took independent, patient, occasionally unwelcome analysis to shift the nation to firmer policy that served the national interest over narrow interests. That, in my view, is the tradition this Review should draw on and follow.

6. The architecture problem: process without accountability

The predecessor to the current Agreement was replaced for reasons that are now well documented. From 2013, the Commonwealth pursued what my own earlier research has described as a methodical, if never publicly acknowledged, strategy of dismantling the Closing the Gap architecture established in 2008: the National Partnerships that underpinned roughly \$16 billion in funding over the Agreement's first decade were progressively allowed to lapse without renewal from 2013, the oversight bodies created to monitor implementation were dissolved in 2013–14,⁹ and the 2019 ANAO audit found governance arrangements 'partially effective' at best, with no overarching implementation plan in place.¹⁰ No prime minister, across that period, publicly admitted that the practical effect of government decisions was to dismantle a policy framework every government continued rhetorically to endorse.

The 2020 National Agreement was designed to close exactly this accountability gap, through the four Priority Reforms, the establishment of a formal partnership with the Coalition of Peaks, and the adoption of much more elaborate implementation strategies across all nine jurisdictions. The intent was ostensibly sound. The effect, on the evidence to date, has been to replace one accountability gap with another: an architecture so elaborate – spanning thousands of individual implementation actions across nine jurisdictions – that no single institution can be identified as responsible for any specific outcome. Responsibility distributed this widely is dissipated responsibility that has effectively disappeared.

The recent funding history of remote housing in the Northern Territory illustrates the pattern precisely. The Northern Territory Remote Housing Agreement, a \$3.98 billion ten-year commitment announced in March 2024, saw only \$61.3 million paid by the Commonwealth at signing, with nothing further disbursed for over a year afterwards. The Northern Territory Remote Aboriginal Investment Agreement, worth \$842.6 million over six years and announced in February 2025, had seen zero dollars disbursed as

⁹ See M.C. Dillon (2021b), *The first decade of Closing the Gap: What went wrong?*, CAEPR Discussion Paper, ANU, for the detail of the lapse of the National Partnerships and the abolition of the oversight bodies.

¹⁰ Australian National Audit Office, *Closing the Gap*, Auditor-General Report No. 27 of 2018–19, 20 February 2019.

of May 2026, its monitoring framework still not finalised.¹¹ The structural problem is that no institution in this arrangement has both the capacity to raise and allocate the funds required and the obligation to report against outcomes achieved – which is precisely the condition under which blame-shifting between the Commonwealth and a state or territory becomes not just possible but predictable and inevitable.

The scale of this complexity can be illustratively quantified. Responsibility for the Agreement is shared across nine jurisdictions and the Coalition of Peaks, each government responsible for nineteen targets and four Priority Reforms in its own jurisdiction – twenty-three notional ‘targets’ in total. That yields a notional matrix of nine government parties by twenty-three ‘targets’, which thus comprises 207 cells, before any further disaggregation by geography, sex or age is applied to those targets where such disaggregation matters. Let us call this ‘Layer One’. On a fair estimate taking the various disaggregations into account, this would run to in excess of a thousand distinct data points each year.

On top of this (‘Layer Two’) are the actual funding programs (often more than one) and any associated policy frameworks that notionally support each target and/or contribute to closing the gap, albeit without establishing a direct link between programs and particular targets. There are across the nine jurisdictions literally hundreds of such programs, and scores of policy approaches documented in nine sets of budget papers, sometimes mainstream, sometimes Indigenous-specific.

Above this is ‘Layer Three’, an annual set of jurisdictional Implementation Plans which total (this year) more than 600 pages in aggregate across the nine jurisdictions, in different formats, and published at different times.¹²

Each of the three layers is on its own complex beyond the capacity of any individual to comprehend the state of play at any one time, and in effect each is independent of the other layers. An event in one layer does not necessarily translate to an effect, impact or consequence in either of the other two. The three layers together ensure not only that no individual can comprehend the totality of what is occurring in support of Closing the Gap, but that there can be no responsibility or accountability for a glitch, omission or failure in any component of a layer that can be referred back to the ultimate socio-economic status of Indigenous citizens or communities. In addition, this erasure of accountability paradoxically ensures that where success manages to survive and thrive, there is no guarantee that the individuals responsible are acknowledged or rewarded.

This erasure of accountability is not a caricature. It is, in substance, the same phenomenon I described in my 2022 submission as an ‘ever-changing kaleidoscope of colour and movement’ resisting any serious attempt to analyse or even summarise the Agreement’s implementation, and which my 2023 submission called a ‘data labyrinth which is guaranteed to ensure that anyone foolish enough to enter is swiftly lost in the bowels of the machine.’ Four years on, the labyrinth has not been simplified; if anything, it has grown. Little wonder that officials struggle to explain the purpose of Closing the Gap, that Aboriginal and

¹¹ Dillon (2026). ‘Blame shifting for remote housing provision in the NT’, *A Walking Shadow*, August 2026.

¹² Author’s rough estimate of the page length of the nine jurisdictions’ most recent Implementation Plans.

Torres Strait Islander citizens regard it with anger or frustration, and that, despite the existence of pockets of support, the mainstream electorate increasingly regards it with something closer to derision or indifference.

There is a fourth, temporal, dimension to this complexity. The Agreement is subject to a triennial review by the Commission, a complementary Aboriginal and Torres Strait Islander-led review, annual reports and Implementation Plans from each jurisdiction, the Commission's annual data compilation and dashboard updates, and a succession of sector strengthening plans and partnership reviews. In practice the architecture is almost always either under review or in the midst of considering the recommendations of the last review. Few interested parties outside government, and perhaps few within it, can keep abreast of it all.

The Aboriginal and Torres Strait Islander-led Review undertaken by the Jumbunna Institute following the Commission's first review is a case in point: whatever view one takes of its analysis, and despite the published response of the Joint Council to its recommendations, I can see no substantive evidence that those recommendations have changed the way governments implement the Agreement.¹³ In an ideal world, the current Review would, at least at a high level, make a clear assessment of the substantive changes to the implementation of Closing the Gap that have flowed from both the first Commission review and the subsequent Jumbunna Institute review. What is clear is that there appears to be no link between the persistent sub-optimal performance against the bulk of the (flawed) targets and the optimism which pervades the process-based reports that emanate from the Joint Council in relation to both previous reviews (though I would be pleased to be corrected if this assessment can be shown to be wrong).

Perpetual review carries a further, less obvious cost. It keeps the Coalition of Peaks – the party to the National Agreement with the least institutional capacity and the most at stake – continuously engaged in the detail of incremental process adjustment, and so away from a focus on the strategic choices about priorities, funding and design on which outcomes actually depend. Whether or not by intention, that diversion of intellectual capital and resources suits governments well. A process that is always being reviewed is forever shifting the notional baseline for assessment and can never be unequivocally held accountable for results.

There is a further reason this Review cannot afford to treat the current architecture as a given. In addition to the numerous conceptual flaws in the targets, all but three of the socioeconomic targets expire in 2031; the remaining three expire before that date. This Review, occurring roughly at the midpoint of the current Agreement's life, is realistically the last opportunity to design what should follow 2031 with any degree of deliberation. Waiting until 2031 itself to begin that conversation, when the

¹³ Jumbunna Institute for Indigenous Education and Research (2025). *Closing the Gap Independent Aboriginal and Torres Strait Islander Led Review*, July 2025, available at <https://www.coalitionofpeaks.org.au/independent-review-of-closing-the-gap>; Joint Council on Closing the Gap (2026), *Response to the Aboriginal and Torres Strait Islander-Led Review of the National Agreement on Closing the Gap*, May 2026, available at the same address.

current architecture's shortcomings are already this well documented, would compound rather than correct the failures this submission has described.

The National Agreement needs an architecture that can locate responsibility for specific outcomes in a specific institution, with the funding authority and the reporting obligation held together rather than split apart. This is a design question the Commission is well placed to examine under its clause 121 mandate, and one this Review should treat as central rather than incidental to the questions it has been specifically asked about oversight and accountability bodies.

Parliament, too, has a role that is at present largely unused. The Commonwealth's annual Closing the Gap report is presented to Parliament, but it is not systematically examined. A standing reference of the annual reports, the Commission's triennial reviews and governments' responses to them to a parliamentary committee would create a regular public forum in which ministers and officials might be asked to explain implementation strategies and results, not merely to announce initiatives.

7. The Commonwealth must lead

The 1967 referendum gave the Commonwealth concurrent constitutional power to legislate for Aboriginal and Torres Strait Islander Australians specifically so that national leadership on Indigenous policy would be possible, whatever position individual states and territories took. Over the past decade and a half, successive governments have begun to downplay the underlying intent behind the 1967 referendum.

Since 2020, Commonwealth governments have preferred to present Closing the Gap as a shared undertaking among nine equal parties, emphasising that responsibility for policy areas such as housing and child protection sits constitutionally with the states and territories. That position is legally available. It is also, in substance, an evasion of the national leadership role the 1967 mandate enabled, particularly where – as the housing funding history in section 6 illustrates – the practical effect has been to announce national commitments and then defer the fiscal follow-through, leaving jurisdictions to absorb the resulting delivery and political risk. For mainstream citizens and voters, a national policy framework in which the Commonwealth resiles from exercising a leadership role in the national and public interest makes little or no sense.

The Commission's Review should examine directly whether the Joint Council requires more active leadership on a national basis, including whether the Agreement would work more effectively if the Commonwealth were to take the lead in improving coordination of the process issues that underpin the Agreement's (lack of) effectiveness.

To take just two examples, there would be a clear benefit in having a single template for the Implementation Plans required by the National Agreement, instead of multiple formats and approaches to reporting on jurisdictions' approach to implementation – a process flaw with substantive consequences for accountability and transparency.

There would also be substantial benefit in commissioning detailed program-level or target-level evaluations focussed on the policy frameworks and programs that underpin particular targets nationally. Despite the Commonwealth's rhetoric about the importance of evaluation,¹⁴ this has never happened. Nor have I seen evidence that the Indigenous Evaluation Strategy the Commission itself developed in 2020 has been systematically applied to the programs that underpin the Agreement's targets; this Review is an opportunity for the Commission to report on how its own Evaluation Strategy has fared, and how implementation of the Closing the Gap policy framework might have been different had the Evaluation Strategy been implemented.¹⁵

Indeed, more fundamentally, one is forced to contemplate whether the multilateral, consensus-driven structure of the Joint Council is used as cover, by both the Commonwealth and the other jurisdictions, for a pattern of virtually random program and policy announcements without the necessity of timely or even actual delivery. This is a legitimate question for a review conducted under clause 121 of the National Agreement, which asks the Commission to examine 'the factors contributing to progress' across the Agreement as a whole – a step beyond the community-controlled sector funding and partnership questions on which the current terms of reference focus.

8. States and territories are not pulling their weight

A fair account of the accountability problem cannot rest with the Commonwealth alone. State and territory delivery capability, workforce availability, and the depth of genuine commitment to place-based partnership have frequently lagged the commitments that jurisdictions signed up to within the Joint Council. The practical result is a double deflection: the Commonwealth points to state and territory responsibility for service delivery, while states and territories point to Commonwealth funding shortfalls and delay, and in the space between the two, no jurisdiction is held to account for the effectiveness of the outcomes that eventuate (or not). This Review should treat the efficiency and effectiveness of jurisdictional performance, not only the quality of Commonwealth leadership, as within its proper scope, not least because doing so would also create more robust preconditions for devising future policy arrangements focussed on rewarding success.

¹⁴ Australian Government, *Strengthening Evaluation: Australian Government Action Plan 2026–2030*, <https://evaluation.treasury.gov.au/publications/strengthening-evaluation-australian-government-action-plan-2026-2030>

¹⁵ Productivity Commission, *Indigenous Evaluation Strategy*, October 2020. There appears to have been no response from the Commonwealth to this report.

9. Transparency: the Joint Council and the Coalition of Peaks

9.1 The operations of the Joint Council

The operations of the Joint Council are far from transparent. Given its centrality to the operation and implementation of the National Agreement, I suggest that the Review closely consider the operations of the Joint Council, its membership and meeting schedules, the operations of its sub-committees, and the adequacy, comprehensiveness and timeliness of the advice and submissions which are considered by the Joint Council. I would especially suggest that consideration be given to whether the public interest is served by the current approach of limiting access to information presented to the Joint Council that could easily be made public (and perhaps is made public, albeit in different and unrelated settings such as Budget Papers and the like).

One of the underlying themes of this submission is that community support for the National Agreement and Closing the Gap is waning. In my view, a key factor driving this trend is that so much of what transpires within the framework of the Agreement is kept confidential (even though, were it to be requested under Freedom of Information legislation, it may well be released).

9.2 The Coalition of Peaks

It is also the case that there is little public information available in relation to the operations of the Coalition of Peaks: its constitution, structure, internal governance, its sources of funding, and the resources available to it. It is likely beyond the capacity of this Review to undertake a detailed examination, and I acknowledge that there are strong arguments in favour of protecting the Coalition of Peaks' legitimate private internal communications. Nevertheless, there is scope for the Review to ask some core questions, given that the Coalition of Peaks plays a crucial role within the governance architecture of the National Agreement and is expected essentially to represent First Nations interests and to hold to some level of account the combined efforts of nine jurisdictions across nineteen targets and four Priority Reforms that themselves span the breadth of government.

The architecture of the National Agreement rests on an implicit assumption: that the Coalition of Peaks has the financial and human resources, the analytical capability and the independence from government needed to engage on equal terms with nine governments across nineteen targets and four Priority Reforms, and to hold them to some level of account across each of the three layers of activity described in section 6.

Furthermore, there is an additional assumption that the Coalition of Peaks (and individual peak bodies) are representative of the views and concerns of their constituents. This perhaps under-estimates the challenges of multiple perspectives arising from both geographical dispersion and the very real heterogeneity of Indigenous interests across the breadth of the nation. Overlaying this is the reality that Indigenous citizens are increasingly exposed to, and in many cases active participants in, the legitimate

variety of political and social groupings that are endemic to mainstream Australia. Yet the Coalition of Peaks has very little funding and organisational capability to invest in maintaining the links and relationships that are the lifeblood of a truly representative entity. There is very little public documentation against which either assumption can be tested. On the limited information available to me, there are real grounds to doubt that the two assumptions identified above hold.

The resources available to the Coalition of Peaks appear to be modest – comparable, I would suggest, to less than those of a single division within a major Commonwealth agency – and to be drawn predominantly from Commonwealth grants administered by the very agency whose performance the Peaks are, in part, expected to scrutinise.

This is not a criticism of the Coalition of Peaks. If the concern is borne out, it is a design flaw of governments' making: a partner asked to carry a load it has not been resourced to bear, and funded on terms that sit uneasily with the independence the architecture assumes of it. For these reasons, I would argue that the Review should seek answers to the following questions:

- What is the Coalition of Peaks' total annual budget and staffing for its role under the National Agreement, and how has this changed since 2020?
- From which governments and agencies does that funding come, on what terms, and with what reporting, approval and acquittal conditions attached?
- Do the states and territories contribute, and if not, why not, given that they are equal parties to the Agreement?
- What analytical and policy capability does the Coalition of Peaks have to engage with jurisdictions' Implementation Plans, annual reports and data?
- What arrangements ensure and protect the independence of its advice to the Joint Council and to the public?

If the answers indicate that the implicit assumptions underpinning the Peaks' key role in the implementation of Closing the Gap do not hold, that would amount to a major flaw in the architecture of the National Agreement, with all that such a flaw entails – and the Review should say so.

10. Remote and non-remote Australia are different policy problems

The single most consequential gap in both this Review's terms of reference and the wider public debate is the absence of any systematic distinction between policy settings for remote and non-remote Indigenous Australia. The National Agreement's targets, and the public reporting built around them, substantially treat Aboriginal and Torres Strait Islander Australians as a single national population, and the geographical circumstances within which programs and policies are delivered as irrelevant. Those design features of the Closing the Gap framework are in my view not appropriate, as they reflect neither the

reality of conditions on the ground nor the reality of the footprint of governments across remote Australia. The policy problems, the economics of service delivery, and the available remedies for remote communities – workforce access, distance, housing stock condition, land tenure arrangements, community governance capacity, social support services, the sheer cost of service delivery – are categorically different from those affecting the majority of Aboriginal and Torres Strait Islander Australians, who live in urban and regional areas where a number of outcomes are in fact improving.¹⁶

The scale of the difference is illustrated starkly by housing. In the Northern Territory, 56.6 per cent of Indigenous residents live in overcrowded housing, rising to 74.5 per cent in very remote areas, compared to 6.5 per cent for non-Indigenous Australians nationally. Against the national target of 88 per cent of Aboriginal and Torres Strait Islander people living in appropriately sized housing by 2031, the Northern Territory currently sits at 43.4 per cent.¹⁷ A single national figure for housing adequacy conceals the extent of this gap rather than revealing it, and a policy response designed around the national average will systematically disadvantage the communities where the need is greatest.

The institutional thinness of remote Australia compounds the raw statistics. Remote communities have experienced the same institutional withdrawal that numerous official inquiries and reports have documented as applying to non-urban and regional Australia: the 2024 Senate Inquiry into Bank Closures in Regional Australia; the telecommunications deficit described in the 2026 Telecommunications Industry Ombudsman Special Report on Regional Services, pointing to failing connectivity and safety dropouts affecting seven million rural and regional mainstream citizens; and the social and healthcare service vacuum documented in Anglicare Australia's 2025 report *In Every Community*. All head in the same direction.

The gap in remote Australia is not simply a wider version of the gap elsewhere; it is disadvantage compounded by institutional absence of a different order entirely. For remote First Nations communities, these mainstream service deficits are impacting on a population with far less capacity to absorb the loss of access to services, and with a starting point of disadvantage the rest of remote Australia does not share.

The most recent evidence of this can be found in the Australian Resilience Index,¹⁸ which draws on public and proprietary data to measure the resilience of Australians across health, financial, social and environmental indicators down to a local community level. That report finds that only 6 per cent of Australians are in the very low category of overall resilience. Of the ten least resilient communities across the nation, eight are in remote regions (which include high proportions of Indigenous citizens); of these,

¹⁶ There is partial recognition of this reality from the Commonwealth insofar as it administers social security income support and employment programs for remote Australia as two interconnected parts of a single overarching system, administered by the Department of Social Services and NIAA. The Productivity Commission's *Annual Data Compilation Report*, July 2026, at pages 12–13 includes a short description of the poorer outcomes experienced by Indigenous citizens resident in remote regions.

¹⁷ Productivity Commission, *Closing the Gap Information Repository*, Target 9A; ABS, 2021 Census.

¹⁸ Zurich Australia, *Australian Resilience Index*, <https://www.zurich.com.au/latest-news/australian-resilience-index>

five are in the Northern Territory, two in Queensland and one in Western Australia. The primary drivers of low resilience in these remote areas are social and environmental resilience as measured by the index.

My own view on what follows from this has hardened since my 2022 and 2023 submissions warned that a positive national narrative on Closing the Gap could, in principle, be constructed while remote outcomes continued to deteriorate. I now think that risk should be treated as close to present reality rather than a hypothetical, and as a serious challenge to the Agreement's capacity to address the concerns of the remote Indigenous population. Aboriginal and Torres Strait Islander Australians living remotely are a demographically small and shrinking share of the national Indigenous population.¹⁹ On current settings, most of any future measured national improvement in key socioeconomic sectors could in theory come from non-remote gains while disadvantage in remote regions remains static or indeed deteriorates.²⁰

Accordingly, I recommend that this Review give serious consideration to a more radical structural change than mandated disaggregated reporting alone: separating the National Agreement into two distinct frameworks, one for non-remote (urban and regional) Indigenous Australia, and a second, purpose-built framework for remote Australia, with its own governance architecture, its own targets, its own funding model, and its own accountability arrangements suited to the genuinely different policy problem it presents.

This is a larger step than a call for disaggregated remote and non-remote targets and reporting alone, and I recognise it will not be a comfortable proposition for a Coalition of Peaks whose membership spans both populations, or for governments accustomed to the convenience of navigating a single national narrative. But the alternative – a single Agreement whose aggregate success against national-level targets can be achieved while the absolute and relative scale of underlying socio-economic disadvantage continues or worsens, largely unaddressed, across remote Australia – is no longer, in my assessment, a tolerable or effective policy approach. This Review has an opportunity, and indeed in my view an obligation, to consider that proposition and either to accept it or reject it; but not to ignore it. I also suggest it should form one of the Review's recommendations to the Joint Council.

This is not to understate the genuine complexity of remote policy, which is not simply a matter of funding levels and program design. Anthropologists working in this space, including Nicolas Peterson and Jon Altman, have long argued that the material conditions of life and the cultural lives of contemporary remote Aboriginal communities are interdependent in ways mainstream policy design tends to overlook or struggles to encompass, and that policy interventions directed at material circumstances inevitably

¹⁹ Australian Bureau of Statistics, 2021 Census: roughly one in six Aboriginal and Torres Strait Islander people lived in Remote or Very Remote areas.

²⁰ One of my readers noted that the demographic shifts arising from increasing numbers of citizens self-identifying as Indigenous have less traction in remote Australia, suggesting that the size of the Indigenous population in non-remote Australia may increase further in the future relative to the remote population.

carry cultural consequences of their own.²¹ Altman has gone further, questioning whether the closing the gap project, understood as making Indigenous Australians statistically equivalent to the mainstream on a set of state-defined indicators, is even the right object of policy for people who may reasonably wish to sustain different modes of life. These are serious arguments, and I acknowledge their validity and inevitable policy consequences rather than dismissing or avoiding them, as public debate on this topic too often does.

However, I do not think these arguments detract from the relevance of the propositions above. The onset of modernity, for want of a better term, is not a wave any government, let alone any remote community, can hold back indefinitely, however much particular policy settings might be redesigned around the margins. There is no blank slate available to any of the parties to the National Agreement: real institutions, real funding flows and real policy settings already exist which, for good or ill, directly impact remote First Nations communities, and the practical task is to make pragmatic, competent decisions within that reality, not to design policy as though remote Australia could be held apart from the rest of the nation's institutional and economic life. In doing so, policymakers must be cognisant too of the real barriers imposed by mainstream norms and values (i.e. culture) and the ways in which regulatory actions may impact in complex cross-cultural settings.

A pragmatic response to Peterson's and Altman's insights is to design remote-specific policy with substantive input from remote communities and their peak bodies about how modernity's encroachment is managed, and without an implicit or explicit assumption that cultural and social differences ought to be erased. We should not treat their legitimate and under-appreciated insights as grounds for leaving remote policy as underdeveloped, under-resourced and under-differentiated as it presently is.

Aggregated national reporting compounds the problem, as the circumstances of remote regions remain hidden. It allows governments to claim genuine national progress while outcomes in remote Australia go backwards, and it risks exactly the erasure of remote Indigenous citizens' needs and aspirations that this submission is concerned about.²² It also conveniently (for governments) conceals the public sector capability deficits across remote Australia that governments have created or allowed to develop over decades, which in turn lead to service provision gaps that have been normalised and are seemingly embedded in the structural underpinnings of remote Australia.²³ The appalling state of public housing across remote Australia, where private housing is largely unavailable, is just one of numerous examples that support this observation. The extraordinary ongoing failure of primary and secondary education

²¹ See, for example, J.C. Altman (2009), *Beyond Closing the Gap: Valuing Diversity in Indigenous Australia*, CAEPR Working Paper 54, ANU; N. Peterson (2013), 'On the persistence of sharing: Personhood, asymmetrical reciprocity, and demand sharing in the Indigenous Australian domestic moral economy', *The Australian Journal of Anthropology*, 24(2): 166–176.

²² A parallel approach utilised by governments with similar effects is the propensity to pursue a limited number of place-based pilot initiatives that are rarely finalised or independently evaluated.

²³ In 2007, with Neil Westbury, I published *Beyond Humbug: Transforming Government Engagement with Indigenous Australia*, in which we argued that the nature of government engagement across remote Australia was effectively that which applied in a failed state. Much of that analysis retains its relevance today.

systems across remote Australia is another, driven in large measure by poor remote attendance rates which would be unacceptable in urban Australia.²⁴ In response to these endemic systemic failures, there is clearly scope for much greater focus on the use of community owned and controlled housing and schooling initiatives outside the public sector systems. However, this will require Indigenous interests to step up rather than waiting for governments. The Review may be able to explore avenues through which policy could encourage or facilitate such initiatives.

Short of the more fundamental separation in the design of the Closing the Gap architecture proposed above, and as a bare minimum, this Review should recommend that disaggregated remote and non-remote reporting, target-setting and funding models be made a requirement, not merely an option, wherever the evidence shows the underlying policy problem differs – recognising that this will not apply uniformly across all nineteen targets.

11. Targets and measurement

This submission does not attempt a detailed accounting of performance against the nineteen socioeconomic targets; other submissions to this Review will do that, and the broad pattern – with only four of nineteen targets currently on track – is already well documented. The point that matters for design purposes for this Review is structural rather than statistical. Several targets, including Target 9B on access to essential services, remain effectively unmeasurable: the Commission’s own reporting has noted the absence of a relevant data source.²⁵

The never adequately explained removal of the previous schooling targets relating to reading/numeracy and school attendance in the 2020 refresh of Closing the Gap, criticised in my 2023 submission, is one clear example of a target design decision made for reasons that were never made transparent to either the wider public or to First Nations.

A policy architecture cannot manage, and no institution can be held accountable for, an outcome that governments have chosen not to measure. This is a policy design failure, not a technical data gap, and this Review should treat fixing the measurement architecture itself – not simply re-narrating each year’s partial results – as a priority recommendation. And if this entails a modification to the choice or specification of targets – after all, the negotiations that led to their specification in 2020 ensured that they were curated to meet particular audiences, some blatantly so – then so be it.

In my submissions to the first review, I made the point that the Priority Reforms should not be treated as targets to be measured, as this led to them being reinterpreted in ways that replaced their broad intent with essentially meaningless proxy indicators. I continue to advocate for this view, and the fact that the measurement of the Priority Reforms is still not complete should not obscure the more important point I

²⁴ See, for example, Dillon (2023), ‘The remote community education scandal’, *A Walking Shadow*, <https://refragabledelusions.blogspot.com/2023/09/the-remote-community-education-scandal.html>

²⁵ Productivity Commission, Closing the Gap Information Repository, Target 9B.

am making: the Priority Reforms are about setting broad priorities; they are set apart for a reason, and they are not specific targets to be measured quantitatively. We can assess whether they are being met qualitatively, and I hope the Commission does so, but they are more about signalling by the parties of what they hope to achieve, both to the wider public and to their own staff.

12. Community control: a valuable aspiration, not a self-justifying outcome

The Coalition of Peaks' agenda for community control, and the Priority Reform built around it, represent a necessary correction to a long history of government policy imposed on Aboriginal and Torres Strait Islander communities without their consent or participation. That correction should not be reversed. But community control, as a concept, remains under-explained in the Agreement and in the wider public debate: what is a community, control over what, exercised through what governance mechanism, and answerable and accountable to whom, are questions the current architecture does not clearly answer (although one might suggest there are implicit and perhaps conflicting expectations amongst the parties).

Devolving control without complementary regulatory oversight and capability-building support risks reproducing, at community level, the same accountability vacuums this submission has identified at the intergovernmental level in sections 6 to 9. It is my contention that community control should be treated by this Review as an instrument to be tested against the outcomes it actually produces, not asserted in advance as sufficient or as an end in itself. Asking not only whether governments have ceded control, but whether the bodies receiving it have available the governance frameworks, the executive and financial capability and the regulatory oversight support to exercise it well, serves the long-term interests of the communities concerned as much as it serves public accountability – and it is a more defensible basis for public and political support than treating community control as self-evidently the answer, whatever the outcome.

13. Indigenous data sovereignty: legitimate, but a second-order agenda

The Commission's own call for submissions for this Review describes Indigenous data sovereignty as 'the right of Indigenous people to exercise ownership over Indigenous data.'²⁶ As a preliminary comment, I would note the ambiguity implicit in that sentence. The use of the term 'right' implies that an established right exists in law, but might also be interpreted as the assertion of a normative aspiration. The first

²⁶ Productivity Commission (2026). *Call for submissions, Review of the National Agreement on Closing the Gap*, p. 13; see also Productivity Commission (2026), *Closing the Gap Annual Data Compilation Report*, July 2026, pp. 7–8, 10.

interpretation is (on my understanding) incorrect; the second reflects what is a legitimate assertion by Indigenous interests seeking to maximise their influence over data collection and management. There is a further ambiguity insofar as the term 'Indigenous data' is not defined and thus opens the way to tautological interpretations. Moreover, what is not identified are the appropriate limits or constraints on that control within a broader democratic polity. And of course, the more fundamental issue is that the Commission is not an Indigenous interest, but an independent reviewer and a Commonwealth statutory body designed and expected to act in the wider public interest.

Nothing in the current institutional arrangements (both mainstream and Indigenous-specific) applicable to the Indigenous policy domain prevents an Aboriginal or Torres Strait Islander corporation, community organisation, or the Coalition of Peaks itself from establishing, collecting, maintaining, and exercising governance control over specific datasets relevant to its own purposes. That is a legitimate aspiration, achievable within mainstream institutional information frameworks as well as the National Agreement's existing architecture, and Priority Reform 4 already provides room for it to develop further. This Review can usefully examine how that development is progressing, consistent with the questions it has been asked about community data access.

A different question arises in relation to national and other mainstream public statistics – for example the Census and core ABS collections – whose public value and utility, including their value to Aboriginal and Torres Strait Islander people and organisations seeking to hold governments to account, rests on their methodological independence and consistency, and the consequent trust that those qualities engender. Moreover, the capacity to make rigorous comparisons of socio-economic status between Indigenous and mainstream groups and populations is central to the policy logic of closing the gap, and must also apply to any Closing the Gap framework if it seeks to persuasively inform either governments or the electorate at large. Recasting the ownership of national public statistics as subject to a right of control by a community or group risks that independence, and with it the credibility of the evidence base on which this Review, and Closing the Gap accountability generally, depend.

This submission recommends the Commission distinguish clearly between these two propositions: data sovereignty over community-specific and self-generated data, which is legitimate and largely already achievable (albeit under-resourced); and any claim over the ownership of national public statistics, which should be resisted regardless of the intent behind it. Raised in this way, the point is a matter of institutional design, not a comment on the standing of Indigenous data sovereignty as an aspiration. Finally, it is, in my assessment, a second-order agenda relative to the more fundamental question of whether governments are funding, designing and delivering effective policy – and should not be allowed to displace attention from that larger issue, which is at the very core of this Review's remit and purpose.

14. The Productivity Commission's own role

The Commission's credibility as an independent public institution rests on being seen, and seeing itself, as a guardian of the public interest as a whole – a role that necessarily includes, but is not limited to, the interests of Aboriginal and Torres Strait Islander Australians, and that sits alongside and complements the

Coalition of Peaks' legitimate role as advocate for the Indigenous interest within the Agreement's own architecture.

A Commission that positions itself primarily as an advocate for the Indigenous interest duplicates a role the Agreement has already given to someone else, and in doing so weakens rather than strengthens its own institutional position. It would also risk leaving larger national interests related to the nation's treatment of its First Nations citizens unaddressed. An advocate is more easily discounted by government than an independent umpire; and a Commission whose independence is in doubt is less useful, not more, to the Aboriginal and Torres Strait Islander Australians this Agreement is (in normative terms at least) intended to serve. To state the obvious, those most in need of an effective Closing the Gap process are those least likely to be aware of the Commission, this Review, or indeed even of the existence of the Closing the Gap policy framework. The Commission, in my view, owes its primary responsibility to those who are least likely to complain about its internal decisions and its approach to undertaking the Review.

The Commission is also custodian of the Closing the Gap Information Repository and dashboard, a role that gives it a direct institutional stake in the methodological integrity of the data on which all accountability under the Agreement ultimately depends.

The Commission's most valuable service to this Agreement, and to this moment, is the hard-headed, comprehensive, independent analysis of whether governments are doing what they said they would do – precisely the role clauses 121 to 123 of the National Agreement already give it, and precisely what this submission asks the Commission to exercise in full. Beyond this Review, the Commission is also well placed to play an ongoing role in helping to articulate an evidence-based national narrative – one that will resonate with mainstream Australia as well as with First Nations – explaining why the high-level objectives of closing the gap warrant sustained national commitment, and what progress towards them looks like (see section 15).

15. A pathway forward: an alternative architecture for Closing the Gap

In my September 2023 submission (Attachment B), I outlined one possible alternative framework for closing the gap. At the time, I offered it merely to demonstrate that alternative and more coherent approaches were possible. On reconsideration, and in the absence of any alternative framework that is demonstrably more coherent, I remain confident that its core elements offer a credible and realistic approach to reforming the current failed policy architecture. I set out below a revised and updated version of that model.

I now go further than in 2023. I propose that the design of a reformed architecture, and of a feasible pathway to it, be a central part of this Review's considerations – and that the model below be used as the initial template for that work. If the Commission can devise a better pathway, so much the better; but whatever is proposed should at least be tested against the benchmark of coherence and simplicity that this model sets.

The revised model differs from my 2023 formulation in four principal respects: it makes radical simplification the explicit guiding principle; it distinguishes more clearly between a tier of high-level targets owned by governments and an implementation tier jointly designed with First Nations interests; it builds in the separation of remote and non-remote frameworks argued for in section 10; and it gives the Commission an explicit ongoing role.

15.1 The guiding principle: radical simplification

The overarching architecture must be kept simple and coherent, to the point of characterising the commitment as one of radical simplification. Simplification must be the guiding star of any redesign process. Every element of the architecture should be capable of being explained in plain language to a member of the public, and every element should have an identifiable owner who is answerable for it. If an element cannot meet those two tests, it should be removed.

15.2 Establishing the scale of the task

The first step would be for the Productivity Commission to be requested to make an independently refereed estimate of the potential cost of closing the gap over (say) a fifty-year period. This estimate should be indicative, revised every five or ten years, and designed to inform the Australian community of the scale of the challenge involved. Critically, the estimate must link to the scale and phasing over time of the funding governments actually allocate. It should be contextualised with an analysis of the broad causes of existing disadvantage, to undercut any suggestion that these are self-inflicted costs or that First Nations citizens are somehow responsible for their disadvantaged status.

The estimate should be complemented by a revival of the Indigenous Expenditure Report (see section 4), under the Commission's direct control, disaggregated between remote and non-remote Australia, and better framed than its predecessors: taking into account positive and negative expenditures, differentiating between citizenship entitlements and discretionary investments, and perhaps even broadened to include tax expenditures as well as appropriated expenditures.

15.3 Tier one: a small number of high-level comparative targets

The high-level targets should address systemic issues and implicitly acknowledge that deep disadvantage has multiple causes and symptoms. Their primary purpose would be to provide a generalised indication to governments and the public of whether or not disadvantage exists and continues. To this end, a limited number of targets would be set, based on the availability of reliable data and their power to communicate a readily understood narrative to the Australian population. They would generally involve comparisons between Indigenous and non-Indigenous citizens, and may benefit from being aggregated to amalgamate differing data points within each cohort into a single index (for example, amalgamating educational outcomes at different schooling years into a single index).

Examples of potential high-level targets include:

- comparative lifespans;

- comparative educational outcomes;
- an indicator of comparative geographic disadvantage across urban, regional and remote regions (incorporating physical infrastructure elements such as housing and essential services, and perhaps other core services such as health and education);
- an indicator of comparative health disadvantage; and
- an indicator of comparative justice system disadvantage.

These targets should be based on a rigorous assessment of where the most serious disparities exist, and they should be ‘owned’ by governments: they express the nation’s aspirations, for which governments are answerable to the electorate. There should be no expectation that governments allocate funding to these targets per se; their function is to shape the sectoral priorities beneath them.

15.4 Tier two: ten-year sectoral priorities with joint funding

Beneath the high-level targets would be a limited series of ten-year sectoral priorities, informed by the scale of the task identified in the cost estimate and linked to the allocation of additional funding locked in to legislated appropriations. These core priorities would be supplemented by additional priorities locked into the forward estimates.

The sectoral priorities should take the form of agreed joint Commonwealth/state funding programs, of the kind that existed under the National Indigenous Reform Agreement which underpinned the original 2008 iteration of Closing the Gap. They should be designed to be additional to current funding initiatives and programs, and capable of being monitored and assessed as a unified strategy. Each priority and its associated funding would be underpinned by a published policy or program rationale that includes indicators of current comparative socioeconomic status, a program logic, and links back to the overarching aim of closing the gap, namely removing comparative disadvantage and inequity.

Unlike the high-level targets, this implementation tier – how the sectoral priorities are formulated and delivered – can and should be jointly owned and designed with relevant interest groups, especially First Nations interests. This is where the partnership principles of the current Agreement have most to contribute.

There should also be scope for these priorities to encompass initiatives directed to strengthening culture, including, for example, language programs, support for the various forms of artistic expression, and support for maintaining links to land and country. Stronger cultures strengthen the capabilities that are a core part of citizenship and contribute indirectly (but importantly) to addressing disadvantage. In other words, such a model builds in a tangible mechanism for governments to acknowledge and fund alternative life choices by First Nations citizens – a practical response to the arguments of Altman and Peterson noted in section 10.

There should be regular independent evaluations of each of the sectoral and additional priority programs, with the evaluation reports tabled publicly in Parliament.

15.5 Distinct remote and non-remote frameworks

Consistent with section 10, the sectoral priorities, their funding models and, where the evidence warrants, the relevant targets should be established separately for remote Australia and for non-remote (urban and regional) Australia, each with its own governance and accountability arrangements. The high-level comparative targets in tier one would continue to be reported nationally, but always disaggregated by remoteness, so that national progress can never again be used to mask remote stagnation or regress.

15.6 Tier three: Priority Reforms, assessed qualitatively

There should continue to be a small number of Priority Reforms, such as those currently in place, focussed on driving the institutional and systemic reforms that support and underpin the architecture. As argued in section 11, these should be framed in qualitative and not quantitative terms, and assessed through regular reviews such as the present one, rather than through proxy indicators.

15.7 Commonwealth leadership as first among equals

The Commonwealth should take the lead in this national project as ‘first among equals’, rather than the current model in which it sees itself merely as one of nine jurisdictions with responsibility for closing the gap. This would mean taking a direct leadership role in ensuring high-level consistency in the closing the gap activities of states and territories, and in engaging with the Coalition of Peaks. The Commonwealth should take responsibility for amalgamating performance monitoring and reporting across all jurisdictions, including by adopting a single template for jurisdictional implementation plans. It should also provide robust feedback (perhaps through establishing a statutory office) to the states and territories on the quality of their program reports and implementation plans. This would be consistent with the implicit purpose of the 1967 referendum, which gave the Commonwealth powers to legislate in relation to Indigenous citizens.

15.8 Accountability and narrative

Accountability in the reformed architecture would rest on a few simple and visible mechanisms: the high-level targets reported annually; the independent evaluations of sectoral priorities tabled in Parliament; a standing reference of the annual reports, evaluations and the Commission’s triennial reviews to a parliamentary committee (section 6); and published, itemised government responses to review recommendations. There is an ongoing role for the Commission, beyond the cost estimate and expenditure report, in contributing to an overarching, evidence-based narrative that will resonate with mainstream Australia in support of the high-level targets as a legitimate focus of sustained national commitment (section 14).

15.9 Getting there: a staged pathway

A model of this kind cannot be implemented overnight, and it must be linked to a budgetarily feasible and politically viable pathway. In broad terms, I suggest:

- **This Review (2026–27):** conclude that the current architecture is not fit for purpose; recommend to the Joint Council, under clause 122, that a reformed architecture be developed using this model (or a demonstrably better one) as its starting template; and recommend that the independent cost estimate be commissioned.
- **Immediate simplification within the current Agreement:** without waiting for wholesale redesign, adopt a single template for jurisdictional implementation plans, restore the Indigenous Expenditure Report, make remote and non-remote disaggregation mandatory, and shift to qualitative assessment of the Priority Reforms.
- **Design phase (from 2027):** develop the new architecture jointly with the Coalition of Peaks and all jurisdictions, informed by the cost estimate, with the remote framework designed with substantive input from remote communities and their organisations.
- **Transition (by 2031):** have the reformed architecture agreed and funded so that it can commence as the current targets expire in 2031, rather than leaving the question of what follows to be addressed in haste at that point.

16. Conclusion and recommendations

The National Agreement on Closing the Gap is, in its conception, a pathbreaking reform. For the first time, all Australian jurisdictions have accepted that First Nations have an entitlement to be heard on key policymaking issues concerning the nation’s overarching approach to addressing systemic Indigenous inequality. It is also, on the evidence available at the halfway point of the framework’s current horizon, at genuine risk of failing, not just on its own terms, but in terms of its emblematic function within the Australian public policy dialogue.

This risk has emerged not because the reform was misguided, but because its structural design is too intricate, and its targets too numerous, poorly designed, and in a number of respects contradictory in their intent and outcomes. Its administrative processes are too complex for any individual to comprehend the entirety of what the Closing the Gap framework encompasses, and it fails to deliver an objective and persuasive narrative regarding the conceptual and practical disjunctions between Closing the Gap and the policy logic of closing the gap. In other words, the Australian public, and in particular First Nations, are not able to draw a clear conclusion on whether Australian governments collectively are succeeding or failing in addressing the legitimate aspirations of First Nations citizens.

Most importantly, the Closing the Gap framework is at risk of failing because, whether by design or by default, it diffuses responsibility rather than ensuring measurable, attributable outcomes. As section 6 sets out in more detail, the sheer scale of this complexity – measured in the thousands of data points and hundreds of pages of Implementation Plans generated each year – is itself strong evidence that the architecture is not aligned with the framework’s purpose. One is reminded of the adage that when everything is a priority, nothing is. In the present architecture, Closing the Gap has become everyone’s priority and no-one’s responsibility.

If the Closing the Gap architecture maintains its present design and concomitant administrative and technical complexity, and that unfitness for purpose allows governments to promise progress while delivering regress for the most disadvantaged Australian citizens, the inevitable mainstream political consequence at some point in the medium term will not be a considered decision to redesign the architecture; it will be the collapse of the mainstream public confidence that sustains it, and the abolition or hollowing-out of a reform that is crucially important to the nation's conception of itself and its place in the world.

In parallel, if the current trajectory is not arrested, trust in governments amongst the most disadvantaged citizens will eventually erode to the point where dysfunction and despair have significant adverse social and economic impacts on the wider society. We are already seeing indications of this in remote towns across northern Australia.²⁷ In addition, there are strong indications of a long-term diminution in electoral support for Indigenous concerns in the wider mainstream electorate.²⁸ The extraordinary rates of Indigenous incarceration, which extend from urban Australia to remote communities, inevitably have substantial impacts both on the families and communities where criminal behaviour occurs and on the wider communities involved.²⁹ Those impacts and costs in turn invite ever more punitive responses, and these twin dynamics could harden into an entrenched, two-tiered citizenship: a remote Indigenous minority living under a different and harsher set of public institutions from the rest of the nation.

If that sounds unthinkable, consider the recent Commonwealth decision to extend the sunset of compulsory income management in the Northern Territory until 2033.³⁰ This is how many societies have become deeply divided – not by deliberate design, but through the slow accumulation of neglect and reaction. Unless the nation finds a way to create and sustain institutions that share the benefits of our nation's financial, intellectual and cultural wealth equitably, we place the stability and sustainability of the nation's social and political infrastructure at risk.

²⁷ For example, the youth curfews imposed in Alice Springs in 2024; the Northern Territory's return of the minimum age of criminal responsibility to 10 in 2024; Queensland's 'Adult Crime, Adult Time' legislation of 2024; and a spate of juvenile car thefts in various Kimberley remote towns over the course of 2025 and 2026. For an academic account of the underlying reality of contemporary remote life, see Melinda Hinkson (2021), *See How We Roll: Enduring Exile between Desert and Urban Australia*, Duke University Press. For a review of Hinkson's important book, see Dillon (2022), 'See How We Roll', <https://refragabledelusions.blogspot.com/2022/01/see-how-we-roll.html>

²⁸ A comparison of the results of the 1967 Referendum on Commonwealth powers to legislate on Aboriginal affairs, which received over 90 per cent support from the electorate, and the 2023 Voice Referendum, which received just under 40 per cent support, makes the long-term trend line clear.

²⁹ See Dillon, <https://refragabledelusions.blogspot.com/2024/05/the-drivers-of-stratospheric-rates-of.html>, and Dillon, <https://refragabledelusions.blogspot.com/2025/01/indigenous-hyper-incarceration-remote.html>, for two blog posts discussing the underlying causes of hyper-incarceration in Australia.

³⁰ G. Torre (2026), 'Causes so much harm' – Experts, Land Council slam federal move to extend compulsory income management', *National Indigenous Times*, 24 September 2026. <https://nit.com.au/24-09-2026/26644/causes-so-much-harm-experts-land-council-slam-federal-move-to-extend-compulsory-income-management>

Closing the Gap is, at least for the moment, the major institutional mechanism focussed on that priority in relation to First Nations; the ongoing existence of such an institutional mechanism is a crucial plank in our nation's future. But to be sustained, the institution must first be seen to be working and, secondly, the national narrative explaining its importance must speak to, and be heard by, both Indigenous Australians and the mainstream community.

This Review is a genuine opportunity, quite possibly the last realistic one before the 2031 target horizon, to change that trajectory.

This submission recommends that the Commission:

- consider the ongoing viability and sustainability of the current institutional framework for Closing the Gap;
- conclude that the current framework and its supporting architecture are unsustainable and not fit for purpose;
- recommend that the National Agreement be separated into distinct remote and non-remote frameworks or, at a bare minimum, that disaggregated remote and non-remote reporting, targets and funding be made mandatory wherever the underlying policy problem differs (section 10); and
- recommend a new pathway, predicated on hard-headed analysis grounded in the overall public interest, based on the assumption that the underlying policy logic requires the Commonwealth Government to devise and support arrangements that are effective in addressing disadvantage and, where they are not, to revise or replace them with improved arrangements – using the model and staged pathway set out in section 15 as the initial template.

An obvious and core element in devising the pathway forward must be to assess the size of the overall task, not least so as to allow governments and the public to understand the scale of the nation's challenge, and to facilitate the development of priorities based on what might be achievable in any one year or set of years. This would also assist governments in devising a narrative to describe what they are seeking to achieve and over what period. Over-promising is a fundamental reason for the loss of trust in this area of public policy.

Attachment C sets out a more detailed list of recommendations drawn from the discussion above, framed under five broad headings: the Commission's mandate; the Commission's role; architecture and accountability; remote Australia; and data.

Michael C. Dillon

5 October 2026

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Attachments

Attachment A

Michael Dillon, Submission to the Productivity Commission Review of the National Agreement on Closing the Gap, Submission 5, December 2022.

https://assets.pc.gov.au/__data/assets/pdf_file/0019/352342/sub005-closing-the-gap-review.pdf

Attachment B

Michael Dillon, Submission to the Productivity Commission Review of the National Agreement on Closing the Gap, Submission 37, September 2023.

https://assets.pc.gov.au/__data/assets/pdf_file/0008/367361/sub037-closing-the-gap-review.pdf

(The appendix to Submission 37 outlining an alternative framework for closing the gap is superseded by the revised and updated version in section 15 of this submission.)

Attachment C: Detailed recommendations

This submission's two central recommendations are set out in section 16: that remote and non-remote Australia be addressed through distinct frameworks (section 10), and that the Review chart a pathway to a reformed architecture using the model in section 15 as its initial template. The detailed recommendations below, whatever their merits as stand-alone initiatives, are designed to assist the Commission in designing that overarching pathway. In that sense, while important, they are subsidiary to the higher-level strategic propositions at the core of the submission.

To that end, this submission recommends that the Commission:

The Commission's mandate

1. Use the full 'comprehensive review' mandate given to it by clause 121 of the National Agreement (including examination of the factors affecting progress across government policy design, funding adequacy and coordination) rather than confining itself to the narrower questions posed in this round's covering terms of reference.
2. Where it judges that the current terms of reference prevent that comprehensive review, say so plainly in its report, and use its clause 122 standing to recommend to the Joint Council that an independent and comprehensive review is necessary and should now be commissioned.

The Commission's role

3. As they retain contemporary relevance, revisit, adapt and adopt the specific proposals on review methodology set out in my 2022 submission (summarised in section 3) and the alternative architecture set out in section 15.

4. Consider and articulate the deeper economic case for ensuring that Closing the Gap succeeds and, in doing so, note that the Government's 'economic empowerment' agenda cannot and does not displace the foundational pillars of education, health, employment, housing and community safety in shaping the future opportunities of the most disadvantaged First Nations citizens, families and communities.
5. Reassert its own institutional role as an independent and methodologically rigorous guardian of the broader national public interest, distinct from, but complementary to, the Coalition of Peaks' role as advocate for the Indigenous interest.

Architecture and accountability

6. Examine, and report plainly on, whether the Commonwealth is exercising the national leadership role enabled by its constitutional mandate, and recommend that it do so, rather than treating itself as merely one of nine coequal parties.
7. Examine and report on state and territory delivery performance and capability with the same rigour that is applied to the Commonwealth, rather than implicitly accepting the continuation of mutual deflection of responsibility between jurisdictions.
8. Recommend an ongoing cycle of multi-jurisdictional, national-level evaluations of key sectors and/or targets focussed on the broader policy challenges that underpin extreme socio-economic disadvantage and inequity.
9. Begin now, within this Review, consideration of the broad outlines of the strategic options for what should follow the 2031 expiry of most of the current targets, rather than waiting for that deadline to be imminent.
10. Recommend that a public account of government expenditure on Aboriginal and Torres Strait Islander Australians, disaggregated between remote and non-remote Australia, be restored through a revived Indigenous Expenditure Report under the Commission's direct control.
11. Report on the extent to which the Commission's own 2020 Indigenous Evaluation Strategy has been applied to the programs that underpin the targets.
12. Recommend that the Commonwealth commission the Productivity Commission, or some other reputable and independent entity, to undertake and publish an economic assessment of the substantive cost to government of equalising Indigenous and mainstream socio-economic status across key metrics such as health, education, employment, engagement with the justice system and family safety.
13. Recommend an accountability architecture that locates responsibility for specific outcomes in a specific institution, and holds funding authority and reporting obligation together rather than splitting them apart across innumerable implementation actions.
14. Recommend the adoption of a single template for jurisdictional implementation plans linked to strategic objectives adopted by the Joint Council.

15. Recommend that the annual Closing the Gap reports, the Commission's triennial reviews and governments' responses to them be referred as a standing matter to a parliamentary committee for public examination.
16. Recommend that governments publish formal, itemised responses to the recommendations of both this Review and the Aboriginal and Torres Strait Islander-led review, with implementation tracked publicly, and that the overall cycle of review and reporting be rationalised so that it supports substantive and effective strategic choices rather than perpetual incremental adjustment.
17. Consider the effectiveness, capability and transparency of the Joint Council's operating processes as part of the Commission's ongoing assessments of the National Agreement in the triennial reviews.
18. Test whether the implicit assumption underpinning the Closing the Gap framework – that the Coalition of Peaks has the resources, capability and structural independence to withstand the inevitable pressures from governments as it seeks to represent First Nations interests within the architecture of the National Agreement – in fact holds, and make any necessary recommendations for improvement or reform.
19. Treat community control as an important and even essential means to achieve the outcomes sought by First Nations, but not as an outcome in itself.

Remote Australia

20. Recommend separating the National Agreement into distinct non-remote and remote frameworks, given the different order of policy challenge remote Australia presents and the risk that national targets can be substantially met without remote outcomes improving at all; short of that, require disaggregated remote and non-remote reporting, target design and funding models wherever the underlying policy problem differs.

Data

21. Recommend that the Priority Reforms not be treated as targets, but as aspirational goals assessed qualitatively by the Joint Council and in subsequent regular reviews and evaluations.
22. Recommend that the measurement architecture be fixed as a priority through a cut-through process, rather than allowing unmeasurable targets to persist year after year.
23. Distinguish Indigenous data sovereignty over community-specific data – legitimate, and largely achievable within current arrangements – from any claim over the ownership of national public statistics, which should not be recast as subject to a group right.

Attachment D: Selected published research material relied upon in preparing this submission

- M.C. Dillon and N.D. Westbury (2007). *Beyond Humbug: Transforming Government Engagement with Indigenous Australia*, Seaview Press. <https://openresearch-repository.anu.edu.au/items/f345eae5-4a70-4472-b26a-74ab6b8f7305>
- Michael Dillon (2020). 'A steep climb ahead, but the landscape has become clearer for Closing the Gap', *Inside Story*, 8 September.
- M.C. Dillon (2021a). *The new policy architecture for Closing the Gap: Innovation and regression*, CAEPR Discussion Paper, ANU.
- M.C. Dillon (2021b). *The first decade of Closing the Gap: What went wrong?*, CAEPR Discussion Paper, ANU.
- Michael Dillon (2024). 'Gap years: Obfuscation and delay are blocking efforts to tackle Indigenous disadvantage', *Inside Story*, 8 March.

Selected posts from my blog *A Walking Shadow* relevant to the arguments made in this submission, available at <https://refragabledelusions.blogspot.com/>:

- 'The drivers of stratospheric rates of Indigenous incarceration', May 2024.
- 'Indigenous hyper-incarceration: a remote problem?', January 2025.
- 'The Commonwealth policy pivot to economic empowerment', August 2025.
- 'The institutional drivers of remote disadvantage', June 2026.
- 'Blame shifting for remote housing provision in the NT', August 2026.
- 'The Productivity Commission and Closing the Gap: a footnote in history?', September 2026.