IDIL AUSTRALIA · SUBMISSION

Submission to the Productivity Commission

Review of the National Agreement on Closing the Gap 2026

Our Languages. Our Right. Our Future.

International Decade of Indigenous Languages 2022–2032

Acknowledgement of Country

> *IDIL Australia acknowledges the Traditional Owners, Language Custodians and Cultural Leaders of Country. We acknowledge their continuing and unceded connections to lands, waters and cultures. We recognise the inherent right of Aboriginal and Torres Strait Islander people to their Languages and honour the resilience and perseverance of Language holders, communities, and all those reconnecting with their Languages.*

Executive summary

IDIL Australia welcomes the Productivity Commission's second review of the National Agreement on Closing the Gap and supports its focus on the four Priority Reforms and the seventeen socio-economic outcomes. We agree with the Commission's intention to examine the factors contributing to progress, including funding allocations, and we urge the Commission to look squarely at the two system-level failures that are preventing the Agreement from delivering.

The National Agreement was not accompanied by meaningful funding, and governments have not transformed their systems. Repeated reviews, reports and submissions, including on language, have made exactly the same findings, and the response has been largely rhetorical.

This submission makes three central points:

1. **Responsibility for Closing the Gap cannot just sit with the Minister for Indigenous Australians alone.** The Agreement obliges all parts of government, yet in practice it is treated as a portfolio responsibility of the Indigenous Affairs portfolio. Every portfolio minister whose socio-economic outcome is affected (Arts, Health, Education, Attorney-General, Communications, Treasury, Industry, Infrastructure, Social Services, Employment and Workplace Relations) shares responsibility and must be accountable for progress through their standing reporting.
2. **Aboriginal and Torres Strait Islander languages are more than a cultural nicety.** Language is foundational economic and social infrastructure. It is not Target 16 only; it unlocks material progress towards Targets 1–6, 7–12 and 13–14, across health, education, justice, child protection, economic participation and social and emotional wellbeing. Treating Target 16 as a stand-alone arts and cultural outcome, as current practice does, misses the point and undermines the Agreement's potential. This also significantly underestimates the power of language investment as a structural lever across all Closing the Gap targets.
3. **The Agreement has not been resourced, and the recommendations on language have simply not been actioned.** The National Agreement was signed without accompanying budget appropriation. Priority Reform 2 (building the community-controlled sector) and Priority Reform 3 (transforming government organisations) depend on substantial, sustained investment that has not been provided. Repeated calls over decades to properly recognise and resource First Nations languages, from the

Royal Commission into Aboriginal Deaths in Custody (1991), the ALRC Pathways to Justice inquiry (2018), the National Indigenous Languages Reports (2020 and 2024), Yalbilinya, the MK Turner Report, First Languages Australia strategies, Australia's National Action Plan for the International Decade of Indigenous Languages and Australia's UNDRIP commitments (Articles 13 and 14), remain substantively unimplemented.

About IDIL Australia

IDIL Australia is the national First Nations body leading Australia's response to the UNESCO International Decade of Indigenous Languages (2022–2032). Guided by cultural authority and sector expertise, IDIL Australia's work is guided by *Voices of Country*, Australia's National Action Plan for the International Decade, co-authored by the Directions Group and the Australian Government. Its five themes guide everything we do.

1. Closing the Gap is not for Indigenous Affairs, and Language is not just the responsibility of the Arts Minister

The Agreement commits all Australian governments (Commonwealth, state, territory and local) to a shared obligation. It is a whole-of-Government, whole-of-Australia commitment. Yet the practical experience of the sector is that progress against the Agreement is treated, inside government, as the Minister for Indigenous Australians' brief and the National Indigenous Australians Agency's workplan. Mainstream portfolios whose own targets are directly in play (Arts (Target 16); Health (Targets 1–3, 14); Education (Targets 4–6); Attorney-General (Targets 10–12); Social Services (Targets 9, 12, 13); Treasury (fiscal settings for Targets 7–9); Communications (Target 17 and language-media infrastructure); Industry (Targets 7–8 and cultural industries); Infrastructure and Regional Development (Target 15 and remote-service viability)) are not part of the standard Closing the Gap governance architecture.

The governance architecture of the Agreement itself reinforces this misalignment. The Joint Council on Closing the Gap is a meeting between the Coalition of Peaks and the Indigenous Affairs ministers of the Commonwealth, the states and the territories. Health ministers, education ministers, attorneys-general, treasurers, and the portfolio ministers whose own targets are directly in play are not standing members. The structural signal, inside government and outside it, is that Closing the Gap is a matter for the Indigenous Affairs portfolio to carry. That signal is incompatible with the Agreement's whole-of-government ambition, and with the practical reality that target-level accountability sits across every other portfolio. Instead, at minimum, there should be an annual leadership summit with the Prime Minister and Premiers and Chief Ministers to set the strategic investment priorities under the Closing the Gap agenda.

Accountability needs to be strengthened. Whether that involves expanding the compositions of Joint Council to include the Commonwealth and jurisdictional ministers whose portfolios carry target-level accountability, or by reforming the performance agreements of Department Secretaries and Senior Executive Service to include the priority reforms.

2. Language is a cross-cutting unlocker, not a cultural nicety

The Agreement's current architecture treats Target 16, the number of First Nations languages spoken or used, as one of seventeen socio-economic outcomes. In data compilation and in portfolio reporting, language sits beside the other outcomes as if it were a parallel domain. It is not. Language is foundational infrastructure that materially shapes outcomes across the Agreement:

- **Health (Targets 1–3, 14).** Miscommunication between clinicians and First Nations patients drives avoidable admissions, discharge against medical advice, informed-consent failures, duplicate investigations and expensive tertiary transfers. The research base (Cass et al., MJA; Menzies School of Health Research; Lowitja Institute; the Communicate Study and Ask the Specialist work by Ralph, McGrath, Kerrigan and others) is clear and long-standing.
- **Education (Targets 3–6).** First-language early learning and bilingual schooling are associated with higher attendance, engagement, retention and Year 12 attainment, and build the cognitive, social and cultural foundations that underpin AEDC readiness. The evidence base includes SNAICC, Wigglesworth, Simpson and Vaughan (2018), AIATSIS NILS3 (2024), Yalbilinya, and the international comparators (Kura Kaupapa Māori, Welsh-medium, Diné and Canadian First Nations immersion).
- **Justice (Targets 10–12).** The justice system is monolingual. Diana Eades's work on gratuitous concurrence, silence and indirect questioning, the Anunga Rules (R v Anunga, 1976), the ALRC's Pathways to Justice (2018), the Royal Commission into Aboriginal Deaths in Custody (1991) and the NT Protection and Detention Royal Commission (2017) have, between them, been clear for half a century that language gaps drive wrongful admissions, bail refusal, incarceration, youth detention and child removals. The recommendations remain largely unimplemented.
- **Economic participation (Targets 7–9).** Language is foundational economic infrastructure. Strong language ecosystems lift workforce readiness and lifetime earnings, catalyse regional and remote economies (cultural tourism, creative industries, ranger and on-Country work, interpreting and translating), reduce long-term government service costs, and strengthen national productivity. The evidence base includes Biddle and Swee (2012) and CAEPR, AIATSIS NILS3 (2024), the Indigenous Protected Areas SROI (SVA & University of Canberra), and Creative Australia and Screen Australia data.
- **Social and emotional wellbeing (Target 14).** Hallett, Chandler and Lalonde (2007), Mayi Kuwayu, Dockery (2010) and comparative cultural-continuity evidence link language and identity strength to suicide prevention, mental health and community wellbeing.

> ***Target 16 is the only target where language is counted. It is not the only target where language works.***

Language should be formally recognised in the Agreement's architecture as a cross-cutting enabler of socio-economic outcomes, and language-impact should be a required layer in reporting on Targets 1–14, not only on Target 16. In practical terms, this means the Closing the Gap Annual Data Compilation and the dashboard should include language-use, interpreter access, bilingual service availability and First Nations

workforce indicators alongside each affected target, developed in partnership with the Coalition of Peaks, First Languages Australia, SNAICC, NACCHO, NATSIEC, NATSILS and IDIL Australia.

3. The Agreement has not been resourced, language work least of all

Both the 2024 Productivity Commission Review and the 2025 Aboriginal and Torres Strait Islander-led Review concluded that funding systems need reform and that mainstream systems and culture need to be fundamentally rethought. We agree. The Agreement was signed without a corresponding standing appropriation to fund its structural ambition. Priority Reform 2 depends on a resourced community-controlled sector, and Priority Reform 3 depends on resourced system transformation; in the sector's view, neither has been delivered at the scale the Agreement contemplates.

Language is the clearest case study of this failure. Over the past three and a half decades, the following reports, inquiries, royal commissions and reviews have each called for substantive investment in First Nations languages or in the language interface of mainstream services:

- A National Language Policy (1984), Senate Standing Committee on Education and the Arts, including sixteen recommendations specifically on Aboriginal languages, covering documentation of endangered languages and bilingual education.
- Select Committee on Aboriginal Education (1985), House of Representatives, a broader education inquiry that dealt with language issues within schooling.
- Royal Commission into Aboriginal Deaths in Custody (1991), recommendations on culturally appropriate justice processes and language access.
- Language and Culture: A Matter of Survival (1992), House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, Report of the Inquiry into Aboriginal and Torres Strait Islander Language Maintenance. Commissioned in 1990 by the then Minister Robert Tickner after concern that only around twenty languages remained healthy, and feeding into the 1991 Australian Language and Literacy Policy.
- Mildren J, "Redressing the Imbalance against Aboriginals in the Criminal Justice System" (1997), modified caution and interpreter use in criminal process.
- Australian Law Reform Commission, Pathways to Justice, ALRC Report 133 (2018), interpreter access in police, court, custodial and child protection settings.
- Royal Commission into the Protection and Detention of Children in the Northern Territory (2017), language and communication failures across the youth justice pipeline.
- AIATSIS and ANU, National Indigenous Languages Report (2020); AIATSIS, National Indigenous Languages Survey 3, NILS3 (2024).
- First Languages Australia strategic plans; Yalbilinya: National First Languages Education Project.
- Children's Ground, MK Turner Report, First Nations education system calls.
- SNAICC, successive Family Matters Reports, the connection element of the ATSI Child Placement Principle, and the role of language in prevention.
- Productivity Commission, 2024 Review of the National Agreement on Closing the Gap, Study Report.
- Aboriginal and Torres Strait Islander-led Review of Closing the Gap (Lavarch et al., 2025).

- United Nations Declaration on the Rights of Indigenous Peoples, endorsed by Australia in 2009; Articles 13 and 14 directly concern the rights of Indigenous peoples to their languages and to education in their own languages.

The pattern across these inquiries is striking. For more than four decades, First Nations communities, parliamentary committees, royal commissions, courts and expert bodies have reached consistent conclusions: Australia is losing languages at one of the highest rates in the world; the loss is driven by preventable system failures; the fix requires sustained Commonwealth investment, legislative recognition, workforce reform and genuine partnership with the sector. The meaningful recommendations in the 1984 report, the direct recommendations of the 1992 report (which pre-dated the Agreement by nearly thirty years), and the thirty recommendations of Our Land, Our Languages (2012) have not been implemented in any sustained way. The Closing the Gap Agreement inherited this backlog. It has not reduced it.

No sustained, Commonwealth-anchored funding settlement has followed any of these. Indigenous Languages and Arts, the main program vehicle, continues to operate on short-cycle grants provided at the discretion of the minister. There is no national Act. There is no independent Commission. There is no standing appropriation for interpreter services in health or justice settings (and where these services are provided, they are not community controlled). The one-off funding uplift to the ILA program and commitment to the language-teaching workforce is welcome, but is well short of what the sector and the Agreement require.

Since the signing of the National Agreement in 2020, in the sector's observation:

- There has been only a small funding uplift to the Indigenous Languages and Arts program. It falls well short of what is required and frankly, what is deserved.
- There has been little to no progress in establishing a First Nations languages sector community-controlled body, including at state and territory level.
- None of the urgent priorities put forward by the language sector, including those set out in *Voices of Country*, have been implemented.

The resourcing failure runs on both sides of the Agreement. There has been no funding to the sector to deliver the commitments that community-controlled organisations have taken on. Equally, there has been no funding to the Commonwealth and jurisdictional public services to deliver the system transformation that Priority Reform 3 requires. More fundamentally, in the sector's observation there is no political or administrative will to transform the system. Without professional accountability for Closing the Gap outcomes attached to Department Secretaries and Senior Executive Service officers, through their performance agreements, their portfolio budget statements and annual reporting, the Agreement will continue to be treated as a disposable, nice-to-have obligation that competes with every other departmental priority, and loses. Department funding under Closing the Gap is treated as fungible, to be swapped for other policy priorities.

The system-change failure is not for want of evidence. The Aboriginal and Torres Strait Islander community-controlled sector is widely acknowledged, including in successive Productivity Commission reports and the 2025 Aboriginal and Torres Strait Islander-led Review, to be more accountable, more efficient and more effective in delivering services to community than the mainstream alternative. Yet

ACCOs are not resourced on the same basis as governments to deliver the outcomes that the Agreement committed to deliver. In the languages space, there is no national community-controlled peak body for languages, and, despite calls from the Language Policy Partnership, there has not been any meaningful investment in the state level community-controlled language bodies.

The Commonwealth holds a suite of levers to compel state, territory and local governments to deliver against the commitments they signed up to under the Agreement. These include National Partnership Agreements, Federation Funding Agreements, grant conditions, procurement settings, National Cabinet, National Agreement reporting requirements, and the standing fiscal relationship between the Commonwealth and the jurisdictions. Those levers have not been deployed to drive Closing the Gap delivery. There are no visible consequences for underperformance against the Priority Reforms or the targets, and no public mechanism for holding any level of government to account for failing to deliver. The Agreement is treated as if it binds everybody but nobody is answerable and there is no consequence on governments for failing to deliver. This is in sharp contrast to the delivery and compliance expectations on a small remote language centre and the cost of failing communities, which can be counted in lives.

Signing an Agreement and reciting these commitments at Joint Council without a Budget line is a form of policy theatre. The Agreement will remain all bark and no bite, and the language sector will continue to lose in real time. Until investment matches rhetoric, until the public service is itself accountable for delivering, and until the Commonwealth deploys its levers to compel every level of government to meet its commitments, this will continue.

What is needed is a package of system-change measures that directly address the resourcing and accountability failures:

- Reorient service-delivery funding, as Priority Reform 2 requires, from mainstream government agencies to community-controlled organisations on the same basis that states and territories are funded. In Canada, for example, the Saskatoon Tribal Council recently signed a 7-year, $269 million regional agreement to reform First Nation child and family services. The relationship between government and community is reversed, and community sets the terms and conditions required to deliver.
- Fund the Commonwealth and jurisdictional public services to deliver the system transformation they committed to under Priority Reform 3, including workforce, training, procurement and data-system reform, as a specific budget appropriation.
- Deploy the full suite of Commonwealth levers available to compel delivery by state, territory and local governments, including National Partnership Agreements, Federation Funding Agreements, grant conditions, procurement settings, the standing fiscal relationship, and National Cabinet, to drive compliance with Agreement commitments.
- Establish public, consequence-bearing accountability for underperformance: an independent monitoring mechanism, published jurisdictional performance against the Priority Reforms and targets, and clear escalation pathways where commitments are not being met.

Responses to the Commission's guiding questions

The Commission has grouped its questions across the four Priority Reform areas plus three cross-cutting themes. We offer language-focused responses on the areas where IDIL Australia has direct experience and standing.

Governance of the National Agreement

The Agreement's governance has been strong on process and poor on consequence. While Joint Council and the Partnership Working Group have met reliably, in the sector's experience the governance architecture does not consistently bring mainstream portfolio ministers (whose own targets are in play) into standing engagement at the political level. The Language Policy Partnership, which has been funded and operating for over four years, has not delivered the outcomes that the sector has expected, even against its own stated priority areas. Given the cross-cutting nature of language, we submit this is a gap.

Building the community-controlled sector (Priority Reform 2)

Language centres, interpreter services and First Nations media are foundational community-controlled infrastructure and essential community services. They are also systematically under-resourced. In the sector's observation, little to no progress has been made since the signing of the Agreement in establishing a First Nation languages community-controlled sector, either nationally or at the state and territory level. The urgent priorities put forward by the sector, including those articulated in *Voices of Country*, remain unimplemented. Legislation that recognises the inherent right to language, language in public service delivery, First Nation led governance, stable long-term and appropriate funding, and a self-determined design, remains the core request of the sector.

Transforming government organisations (Priority Reform 3)

The 2024 PC Review and the 2025 Aboriginal and Torres Strait Islander-led Review both concluded that mainstream system transformation has not occurred at the scale the Agreement requires. We concur, and would observe specifically on language that:

- In the sector's experience, Commonwealth and jurisdictional service funding does not routinely require that funded services be deliverable in a First Nations language where community demand exists, including in the areas of basic human rights such as the justice system. Community engagement should always include funding for language support; this is a minimum requirement to ensure free and informed consent can be provided.
- Community media in language should be considered an essential service and provided consistent and indexed funding to allow them to deliver.
- Procurement rules and public-sector classification structures do not systematically recognise bilingual First Nations language capability as a workforce attribute attracting a loading or weighting.
- The Indigenous Procurement Policy does not, to our knowledge, explicitly recognise language-sector suppliers (interpreter services, language-centre training, First Nations media) as a priority supplier category.

These are tractable, non-contentious, low-cost reforms that have not been pursued.

Shared access to data (Priority Reform 4)

Indigenous Data Sovereignty is foundational to any serious treatment of language in the Agreement. Target 16 relies on fit-for-purpose community-governed data on language use. The current AIATSIS surveys are the most reliable national instrument and should be funded on a standing basis. The Closing the Gap dashboard should carry language-sensitive indicators across each affected target (interpreter access, bilingual service availability, First Nations workforce composition) developed through the Languages Policy Partnership.

Impact on the socio-economic outcomes and targets

Of the seventeen targets, four are showing improvement on track; eight are improving but not on track; three are worsening; the remainder lack data or baseline. Target 16 (languages) has been reported as showing no change against baseline since the Agreement commenced, notwithstanding the UNESCO Decade. This is a failure of implementation, not of community effort. We do acknowledge, however, the significant investment by AIATSIS and First Languages Australia in re-baselining the target metrics and ensuring that community is engaged in the assessment of their Target.

In closing

IDIL Australia supports the Productivity Commission's review and offers this submission in the spirit of candid partnership. We would welcome the opportunity to present an oral submission, to participate in engagement workshops, and to work with the Commission.

The core message is simple. The Agreement will deliver when (a) all portfolios are accountable for it, (b) language is treated as the cross-cutting enabler it is, and (c) governments resource what they have committed to. Governments have had long enough to know the current approach is not delivering and they are running out of time to change the trajectory.

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