Campaign for Indigenous Health Equity



CLOSE THE GAP

Submission to the Productivity Commission: Closing the Gap Review 2026

November 2026

About the Close the Gap Campaign and purpose of this submission

The Close the Gap Campaign is an independent, community-driven movement led by Aboriginal and Torres Strait Islander peoples, comprising 53 Aboriginal and Torres Strait Islander and non-Indigenous health, human rights and community organisations. Since 2007, the Campaign has advocated for health equality, self-determination and government accountability.

We are guided by our Aboriginal and Torres Strait Islander leadership, including the National Health Leadership Forum (NHLF) and our Co-Chairs: the Aboriginal and Torres Strait Islander Social Justice Commissioner, Katie Kiss (Australian Human Rights Commission), and Karl Briscoe, CEO of the National Association of Aboriginal and Torres Strait Islander Health Workers and Practitioners (NAATSIHWP).

As an Aboriginal and Torres Strait Islander-led social justice campaign, we are an independent membership group, separate and distinct from the Australian Government's *Closing the Gap strategy*. We are fully committed to remaining non-partisan and independent from government.

This submission responds principally to the Commission's consultation questions on accountability to communities (question 3), independent mechanisms (question 4), embedding the Agreement (question 5), and system enablers and barriers affecting the socio-economic outcomes. It is informed by the leadership, knowledge and experience reflected in the Close the Gap Campaign's membership and annual reports. It draws on the Campaign's collective mandate, the Close the Gap Statement of Intent, and successive Campaign reports, which document community-led solutions and the structural barriers that continue to impede health equality.

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1. Executive summary

The Close the Gap Campaign's most recent annual report, *Community Voices: The Pathway to Justice and Equality and Healing* (2026), concluded that while the National Agreement on Closing the Gap provides a pathway to implement the rights affirmed in the UN Declaration on the Rights of Indigenous Peoples, those rights will not be realised without structural reform, shared authority, and enforceable accountability mechanisms. This submission builds directly on that analysis and its evidence.

Since 2019, our annual reports have focused on strengths-based reporting that highlights what becomes possible when Aboriginal and Torres Strait Islander peoples and communities exercise self-determination, apply free, prior and informed consent (FPIC), and pursue their communities' interests. These reports, available at www.closethegap.org.au/ctg-annual-reports/ showcase best-practice examples across the 17 socio-economic outcome (SEO) areas in the National Agreement. Together they form a continuous evidentiary record which endorses full implementation of the four Priority Reforms in every jurisdiction.

The Campaign submits that the National Agreement's central implementation failure is the continuing gap between formal commitments and the transfer of the power, authority and resources required for self-determination. This failure stems from the absence of comprehensive, systemic government reform; reform that enables self-determination, strengthens accountability across government departments, and binds them to their obligations under the National Agreement.

The four Priority Reforms are intended to drive this whole-of-government change and thereby achieve the 19 socio-economic targets. The latest national reporting reinforces the urgency: as at July 2026, only one of 19 targets had been met (preschool enrolment, in its 2025 end-point assessment), three were on track, five were improving but not on track, and four were worsening. The remaining six show either no change from baseline or cannot be assessed, partly reflecting the unavailability of adequate data. Meanwhile, meaningful national data to measure progress against the Priority Reforms — the reforms intended to change how governments work — remains largely absent. This reform area focuses on embedding fundamental rights across governments and departments, and failure to do so has direct consequences for the 17 SEOs and for Aboriginal and Torres Strait Islander health, wellbeing, families, culture and opportunity more broadly.

Weak and inconsistent implementation of the four Priority Reforms, coupled with limited consequences for government non-performance, prevents Aboriginal and Torres Strait Islander peoples from exercising meaningful agency, and prevents communities and parliaments from judging whether governments are genuinely changing how they work, a central tenet of the National Agreement.

Accordingly, this submission and its recommendations centre on the high-level structural reforms needed to give effect to the National Agreement. These reforms focus on transferring power, authority and resources to Aboriginal and Torres Strait Islander peoples, and on establishing independent oversight and real consequences for government non-performance.

2. Recommendations

Taken together, these recommendations transfer power and resources to communities, make government performance visible and contestable, and create the external accountability that self-imposed reporting alone has not delivered.

1. **Formal observer status.** The Australian Government should provide the Aboriginal and Torres Strait Islander Social Justice Commissioner with formal observer status in national Closing the Gap partnership structures, with access to papers subject to appropriate cultural and confidentiality safeguards.

2. **Statutory public-sector responsibility.** The Australian Government should amend the *Public Service Act 1999* and associated accountability instruments so that implementation of the National Agreement, including the Priority Reforms, is an express responsibility of agency heads and is reflected in senior executive performance frameworks.

3. **Independent oversight.** Parties should establish a statutory, Aboriginal and Torres Strait Islander-led oversight mechanism with secure funding, information-gathering powers, regional accessibility, public reporting functions and mandatory government response timeframes.

4. **Community accountability standard.** The Agreement should be amended to include a minimum community accountability standard governing all shared decision-making processes under the Agreement (including policy partnerships, place-based partnerships and other formal partnership arrangements), to ensure communities can see, scrutinise and challenge decisions that affect them. The standard should specify minimum requirements for: representative legitimacy; funded participation; timely publication of decisions and reasons; feedback to communities; dispute resolution and review; and ongoing monitoring.

5. **Public implementation framework.** Each party should publish a consistent action register linking every commitment to a Priority Reform and socio-economic target, responsible authority, budget, milestones, evidence of community agreement, outcome measures and delivery status.

6. **Priority Reform data.** The parties should agree, fund and publish measures for all four Priority Reforms, with clear timelines and Indigenous Data Sovereignty safeguards. A lack of perfect data should not delay publication of qualitative and community-validated evidence.

7. **Funding reform.** Governments should provide longer-term, needs-based core funding to Aboriginal community-controlled organisations, including Aboriginal Community Controlled Health Organisations, and fund the full cost of participation in shared decision-making and accountability processes. Funding arrangements should support prevention, culturally safe and holistic care, workforce development, service continuity and progress towards health equality.

8. **Consequences and remediation.** Where commitments are missed, the responsible government should publish a time-bound remediation plan, identify the accountable minister and agency head, consult affected communities and report progress within a fixed period. Persistent non-compliance should trigger independent review, a public

response to findings and recommendations, and scrutiny of whether funding, policy or legislative settings must change. Communities should have an accessible pathway to raise systemic concerns and seek a remedy.

9. **Human rights and UNDRIP implementation.** The Australian Government should work with Aboriginal and Torres Strait Islander peoples to implement the United Nations Declaration on the Rights of Indigenous Peoples in Australian law and establish comprehensive national human rights protections. These reforms should provide enforceable standards for participation, equality, non-discrimination, cultural rights and effective remedies, and should guide implementation of the National Agreement.

3. Context and evidence

The National Agreement contains four Priority Reforms intended to change how governments work, and 19 socio-economic targets across 17 outcome areas. Its premise is that better outcomes depend on Aboriginal and Torres Strait Islander people sharing decision-making authority and having access to relevant data.

The first Productivity Commission review concluded that governments were mostly relabelling business as usual, that transformation of government organisations had barely begun, and that accountability was inadequate. Its four thematic directions were to share power, recognise and support Indigenous Data Sovereignty, fundamentally rethink mainstream systems and culture, and strengthen accountability. The Campaign's 2024 report endorsed full implementation of these directions in all jurisdictions. Three years on, the evidence before this review is that little of this structural change has occurred.

The July 2026 Annual Data Compilation Report and dashboard reported life expectancy at birth of 71.9 years for Aboriginal and Torres Strait Islander males and 75.6 years for females (2020–22). It also reported that the preschool enrolment target was met nationally in 2025, showing that progress is possible when effort and investment are sustained, while four targets, including adult imprisonment and early childhood development, were worsening. These results should not be read as isolated service-delivery failures: the near-absence of reportable national data for the Priority Reforms makes it impossible to test whether changes in government behaviour — the Agreement's central theory of change — are being made at all.

The current accountability architecture already requires a public dashboard, annual reports by each party and three-yearly Productivity Commission reviews. The core weakness is therefore not the absence of reporting obligations, but fragmentation, inconsistent quality, limited comparability, weak community feedback loops and few practical consequences when commitments are missed.

4. Accountability to communities *(consultation question 3)*

Current problem. Accountability runs upward to ministers, central agencies and intergovernmental forums, rather than outward to the communities affected by decisions. Consultation is too often time-limited, conducted after options have narrowed, and disconnected from any information about what was decided, why, by whom and with what resources.

What structured accountability can look like. The Campaign's 2026 report documents the Kimberley Communities Solar Saver (KCSS) Program, led by Horizon Power — the Western Australian Government's regional energy provider — in partnership with five Kimberley Aboriginal communities: Ardyaloon, Beagle Bay, Bidyadanga, Warmun and Yungngora. The program, co-funded by the Australian and Western Australian Governments under the Community Solar Banks Program, was designed around consistent feedback from local Aboriginal stakeholders, addressing energy affordability in a way that suited each community's own priorities for funding, risk and ongoing governance. Because not every home can host solar, benefits are shared across the whole community: every household receives two free units of power a day and a 12.5 per cent discount on daytime consumption, with savings applied directly to household meters. AT the date of publishing, 122 rooftop systems have been installed, delivering energy-saving credits across approximately 430 households (around 1.3 MW of capacity), with more than $126,000 in credits applied since August 2024 and average savings of about $450 per household per year where a full year of data is available. Engagement methods have been adapted community by community, informed by what was learned in the first deployment.

KCSS demonstrates what becomes possible when a mainstream government entity treats community priorities as a design constraint rather than a compliance step. But it also illustrates the fragility of current arrangements: these practices funded participation, structured feedback into design, visible returns of benefits to households, and adaptation to community circumstances rest on organisational commitment, not obligation. Communities affected by other programs have no assurance that comparable standards will apply, no right to see decisions and reasons where engagement is superficial, and no avenue to challenge processes that fall short. This is precisely what a minimum community accountability standard (Recommendation 4) would secure: making what works in KCSS the baseline for all shared decision-making under the Agreement, rather than a case of good practice.

Proposed response: To make these practices obligatory rather than discretionary, every partnership body should publish a community accountability plan covering the matters set out in Recommendation 4.

Minimum feedback loop. Governments should be required to show what communities said; what evidence they considered; what decision they made; which community proposals they accepted, modified, or rejected, and why; who is responsible for implementation; and when they will next report progress. Reporting should be available in plain English and, where communities request it, in local languages and accessible oral or visual formats.

Community-defined performance. National indicators should be complemented by place-based measures selected by communities. Local data should be governed consistently with Indigenous Data Sovereignty and should not be published where small numbers create identification or cultural risks. The ABS's expansion of local Closing the Gap data through Data by

Region shows that more geographically relevant reporting is feasible, but access must be matched by community authority over interpretation and use.

5. Independent mechanisms *(consultation question 4)*

Progress has been slowed by unresolved questions about mandate, independence, resourcing, access to government information and the relationship between national and jurisdictional oversight. An effective mechanism must not be designed or controlled solely by the institutions it scrutinises.

The preferred model is a statutory, Aboriginal and Torres Strait Islander-led body with operational independence, secure multi-year funding, transparent appointment processes, the power to require information, protection for culturally restricted information, authority to receive community complaints and systemic referrals, and the capacity to publish findings and recommendations. Governments should be required to respond publicly within a fixed period. The body should complement, not replace, the Productivity Commission's three-yearly review and the Aboriginal and Torres Strait Islander-led review.

Credibility depends on governance by Aboriginal and Torres Strait Islander people, regional reach, cultural safety, accessibility and demonstrable outcomes. The Social Justice Commissioner's statutory human-rights monitoring role and alignment with the Agreement's objectives make formal observer status within the Closing the Gap partnership structures an immediate, practical step (Recommendation 1). The Australian Human Rights Commission's 2025 Social Justice Report, informed by extensive consultation with First Peoples, also calls for independent oversight, transparent data and stronger systemic accountability.

6. Embedding the Agreement in government systems *(consultation question 5)*

The Priority Reforms should be embedded in the routine machinery of government rather than treated as specialist reforms for Aboriginal and Torres Strait Islander peoples. Cabinet submissions, budget proposals, regulatory impact processes, intergovernmental agreements, procurement rules, grants administration, program evaluations and agency corporate plans should each include an explicit assessment of consistency with the National Agreement.

Public-sector legislation and accountable-authority duties should make implementing the National Agreement a responsibility of agency heads (Recommendation 2). The ACT has now demonstrated that this is a realistic reform, not an aspiration. The *Public Sector (Closing the Gap) Legislation Amendment Bill 2025* — Australia's first Closing the Gap legislation of its kind, passed by the ACT Legislative Assembly in December 2025 and commencing 1 July 2026 — embeds a statutory "Closing the Gap principle" in the duties of all senior executives and statutory office holders. It requires them to implement the National Agreement's provisions on transforming government agencies, continually develop and demonstrate cultural capability, promote cultural safety and work to eliminate institutional racism, or raise the matter with their minister if they cannot. Complementary amendments to the *Annual Reports (Government Agencies) Act* require every ACT public sector entity to report annually on its implementation of the National Agreement, in a format developed in consultation with the Aboriginal and Torres Strait Islander

Elected Body, with a post-implementation review legislated. Significantly, the ACT Government legislative reform was expressly designed to give effect to two of the essential actions of the Commission's 2024 review — a point the current reviewers will find compelling, since a jurisdiction can be shown to have responded directly to their predecessor's recommendations. The lesson for this review is that the barrier is not legislative difficulty or administrative feasibility; it is political will. What one jurisdiction has enacted, all parties to the Agreement can enact, and should.

Senior executive performance agreements should include measurable commitments on partnership quality, transfer of authority and resources to the community-controlled sector and the transformation of agency systems and Indigenous Data Sovereignty. Audit and parliamentary scrutiny should test these commitments.

Longer-term relationships require funding arrangements that support continuity. Governments must shift from short grant cycles to needs-based, outcomes-focused multi-year funding, including core funding for Aboriginal community-controlled organisations and resources to support participation in shared decision-making (Recommendation 7). Implementation plans should serve as genuine theories of change: each action should identify the reform mechanism, responsible authority, milestones, resources, risks, community-defined outcome measures and an escalation path if delivery falls behind.

7. System enablers and barriers affecting socio-economic outcomes

The Close the Gap Campaign's 2025 and 2026 reports provide practical evidence that Aboriginal and Torres Strait Islander leadership and community-controlled organisations are already delivering effective, culturally grounded responses. The 2026 report's nine case studies, including: YOKAI – Healing our Spirit, Perth WA; Gur A Baradharaw Kod Torres Strait Sea and Land Council, Torres Strait; and Thirrili, Canberra ACT, demonstrate that when Aboriginal and Torres Strait Islander organisations are empowered to lead, stronger outcomes follow across the 17 SEO target areas. The Commission should examine the case studies in the Campaign's reports not merely as illustrations of good practice, but as clear evidence of reforms and Aboriginal and Torres Strait Islander leadership that warrant sustained investment. The question before this review is not whether community-led solutions work, but whether governments will commit the resources necessary to scale them.

Key barriers

- Government systems retain final control over priorities, funding and risk, so many partnerships do not amount to shared decision-making. This concentration of power perpetuates institutional practices that exclude Aboriginal and Torres Strait Islander knowledge, constrain self-determination and allow systemic racism to continue without adequate scrutiny or remedy.
- Short-term, fragmented and administratively burdensome funding undermines community-controlled organisations and long-term workforce capability.
- Agency incentives reward activity and compliance rather than transfer of power, cultural safety or community-defined outcomes.

- Data remain incomplete, delayed or insufficiently local, and Priority Reforms still lack nationally reportable results.
- Annual reports vary in quality and do not consistently connect expenditure, implementation actions and outcomes.
- Communities have limited practical avenues to challenge non-compliance or obtain timely reasons and remedies.

Key enablers

- Aboriginal and Torres Strait Islander leadership, strong community-controlled sectors and adequately resourced participation.
- Clear decision rights, transparent disagreement processes and public reasons for decisions.
- Long-term funding and commissioning that prioritise Aboriginal community-controlled organisations.
- Indigenous Data Sovereignty, local access to data and community authority over interpretation.
- Independent scrutiny with access to evidence, public reporting and mandatory government responses.
- Alignment of budgets, legislation, executive accountability and evaluation with the four Priority Reforms.

Conclusion.

Thank you again for the opportunity to provide a submission on the draft report.

We would like to thank and recognise the Productivity Commission for their work in reviewing the progress of the Closing the Gap Strategy.

The Campaign's annual reports have documented, year after year, what Aboriginal and Torres Strait Islander communities can achieve when authority and resources are genuinely shared. The July 2026 data confirm that these conditions remain the exception. The National Agreement will deliver its promise only when power-sharing, independent scrutiny and consequences for non-performance are embedded in law, funding and public administration, as the structural reforms this submission recommend.

Sincerely

National Close the Gap Alliance Group

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