



# National Agreement on Closing the Gap

## Approach to the Review

### The National Agreement on Closing the Gap was agreed upon in 2020 and builds on:

- existing shared decision-making structures
- the previous National Indigenous Reform Agreement.

### The Agreement is unlike other national agreements

- It is the first that includes a non-government signatory (the Coalition of Peaks).
- It is ambitious in the scale of change required – it calls for fundamental change in the way governments work with Aboriginal and Torres Strait Islander people.

## There are four Priority Reforms in the Agreement

### Priority Reform 1

Formal partnerships and shared decision-making

### Priority Reform 2

Building the community-controlled sector

### Priority Reform 3

Transforming government organisations

### Priority Reform 4

Shared access to data and information at a regional level

This review focused on assessing progress against the Priority Reforms and identifying ways to accelerate progress to improve socio-economic outcomes.

### Engagement for this review

We engaged with Aboriginal and Torres Strait Islander organisations and communities from across the country and a wide range of sectors.

- We held 235 meetings, including **136 meetings** with Aboriginal and Torres Strait Islander organisations.
- We received 101 submissions, including **51 submissions** from Aboriginal and Torres Strait Islander organisations.
- We held **7 virtual roundtables** to discuss priority policy areas.

### Our Engagement Principles

- Fairness and inclusivity
- Consistent and ongoing engagement
- Transparency and openness
- Reciprocity

### We assessed progress by:

- measuring the progress of the specific commitments in the Agreement
- reviewing the actions governments have set out in their implementation plans
- noting where we can see progress has been made and where more work is needed.

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# Priority Reform 1

## Formal partnerships and shared decision-making



Priority Reform 1 commits governments to share decision-making with Aboriginal and Torres Strait Islander people through:



five policy partnerships

six place-based partnerships

reviewing and strengthening existing partnerships.

### The commitment to shared decision-making is rarely achieved in practice

Governments have shown they can share decision-making when there is trust and a balance of power.

But this tends to happen only during emergencies and when Aboriginal and Torres Strait Islander people have pushed governments to 'come to the table'.

### The Commission's recommendations

#### Self-determination is the ultimate goal

The Agreement needs to be changed to recognise self-determination as the ultimate goal of Priority Reform 1.

#### What do governments still need to do?

Governments need to:

- take time to properly listen to communities about their priorities (instead of consulting with communities on predetermined outcomes), and engage earlier and more often
- recognise the value Aboriginal and Torres Strait Islander people can bring to policy development and service delivery
- invest in partnerships with adequate time and funding
- transform their processes and systems to become better, more credible partners.

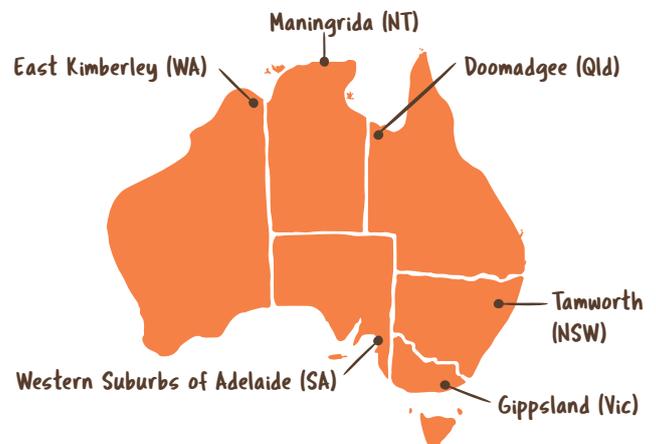
### Policy Partnerships

- Justice
- Early Childhood Care and Development
- Housing
- Social and Emotional Wellbeing
- Aboriginal and Torres Strait Islander Languages

Policy partnerships are acting more like forums, rather than a place where joint decision-making happens. It remains to be seen whether they will drive change.

### Place-based partnerships

The place-based partnerships are still new but Aboriginal and Torres Strait Islander organisations and communities had a role in choosing the locations.



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# Priority Reform 2

## Strengthening the community-controlled sector

### Priority Reform 2 commits governments to strengthening the ACCO sector

This would mean that all ACCOs could:

- identify problems and co-design solutions
- provide culturally safe and high-quality services
- define success based on the needs of the communities they provide services to.

### Current government practices do not reflect the value of the ACCO sector

Some government organisations are starting to:

- provide flexibility by introducing longer term contracts
- reduce reporting requirements
- prioritise funding to ACCOs in procurement, grant or program guidelines
- change how services are designed, contracted, funded, delivered, and evaluated.

These approaches show promise but progress overall has been slow, and many processes still follow a 'business-as-usual' approach.

Four sector strengthening plans (SSPs) have been developed to build capability in the health, disability, housing and early childhood care and development sectors. However:

- they lack detail and accountability
- there is little information available to assess whether they will drive progress.

For SSPs to be effective, governments need to be held to account for progressing the actions they've agreed on.

### Governments still need to:

- recognise that ACCOs can achieve better results for Aboriginal and Torres Strait Islander people
- take steps to strengthen the capability of ACCOs in key sectors
- increase the number of programs and services designed and delivered by ACCOs
- provide dedicated, reliable, consistent funding.

### Improving how governments work with ACCOs

Governments need to review and, where necessary, update funding and contracting rules so that they explicitly incorporate accountability for funders to abide by the Priority Reforms.

This should include ensuring that commissioning processes:

- recognise that community control is an act of self-determination, and that ACCOs are essential partners that bring knowledges and expertise to developing service models and solutions
- require ways of working by government agencies that further strengthen the ACCO sector.

Central agencies will need to issue clear guidance to contract managers and decision makers to overcome inertia and reduce barriers to working in ways that strengthen the ACCO sector.



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# Priority Reform 3

## Transforming government organisations



### Priority Reform 3 commits all government organisations to transformation that includes:

- ↷ systemic and structural change
- ↷ improving accountability
- ↷ changing how they respond to the needs of Aboriginal and Torres Strait Islander people
- ↷ identifying and eliminating racism
- ↷ embedding and practicing meaningful cultural safety
- ↷ improving engagement with Aboriginal and Torres Strait Islander people.

### The transformation of government organisations has barely begun

Many government organisations are:

- rolling out cultural capability training
- developing strategies to increase employment of Aboriginal and Torres Strait Islander people in the public sector
- engaging in self-assessment to understand their current state and how to progress Priority Reform 3.

There is a lack of whole-of-government or organisational strategies for driving and delivering transformation.



Lack of progress on Priority Reform 3 is putting the other Priority Reforms and the Agreement as a whole at risk.

### Transformation requires changing

Policies and processes of government organisations

Workplace culture in the public sector

Services that governments fund

### What do governments organisations still need to do?

- Get out of doing business-as-usual and consider the scale of what they have committed to, drawing on Aboriginal and Torres Strait Islander people, organisations and communities to assess where institutional racism and unconscious bias lies within their system operations.
- Explain what transformation looks like, how it will be achieved, and track implementation.
- Implement the independent mechanism.

### Transformation strategies

The Commission is recommending that every government department develops a clear, documented strategy for its portfolio to undertake the transformation required under the Agreement.

The transformation strategy needs to be underpinned by Aboriginal and Torres Strait Islander-led assessment of the government department's history with Aboriginal and Torres Strait Islander people.



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# Priority Reform 4

## Shared access to data and information at a regional level

### Priority Reform 4 commits governments to change the way:

- they work with data
- they work with Aboriginal and Torres Strait Islander people in relation to data.

### Governments are not enabling Aboriginal and Torres Strait Islander-led data

Overall, there has not yet been significant change relating to Priority Reform 4.

- Most government actions have been about sharing data they already hold.
- Governments often don't value what Aboriginal and Torres Strait Islander people say about how data should be used, and haven't changed how data is used in policy making to reflect this.
- Governments are not doing enough to support Aboriginal and Torres Strait Islander people's data capability.
- The six community data projects are progressing slowly, but it is not clear how they will be used to advance Priority Reform 4 more broadly.
- Some jurisdictions are taking steps to embed Indigenous Data Governance (IDG) to support Indigenous Data Sovereignty (IDS).

### The Agreement, IDS and IDG

IDS is not explicitly mentioned in the Agreement. But there is overlap between IDS and Priority Reform 4.

The Maiam nayri Wingara Indigenous Data Collective has guidance on how to refer to IDS and IDG.

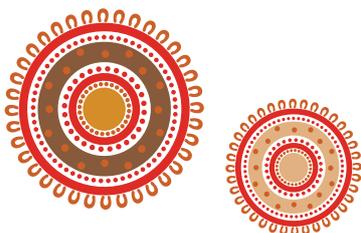
- IDS is 'the right of Indigenous people to exercise ownership over Indigenous data which can be expressed through creation, collection, access, analysis, interpretation, management, dissemination and reuse'.
- IDG is 'the right of Indigenous peoples to autonomously decide what, how and why Indigenous data are collected and used. It ensures that data on or about Indigenous peoples reflect... priorities, values, cultures, worldviews and diversity'.

### Amend the Agreement to include IDS

The Commission recommends amending the Agreement to explicitly include IDS as part of the outcome statement for Priority Reform 4.

This should be accompanied by commitments to:

- partnering with Aboriginal and Torres Strait Islander organisations and communities to embed IDG, including through incorporating IDG into existing data systems
- strengthening the capabilities of government and ACCOs.



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# Tracking progress

## Knowing if the Agreement is making a difference

### Currently, the approach to performance monitoring under the Agreement:

- includes hundreds of indicators, but it is not clear how well they track change, and most do not actually have data yet
- relies on the quality of governments' implementation plans and annual reports
- formally recognises the importance of Aboriginal and Torres Strait Islander self-determination and cultural recognition, but work is still needed to centre Aboriginal and Torres Strait Islander perspectives.

### Governments' implementation plans and annual reports:

- include long lists of actions but often do not explain how they will improve outcomes
- do not track the same set of actions
- do not stick to the reporting requirements set out in the Agreement
- do not always include clear information about when actions will be delivered or the amount of funding
- are hard for community to use to understand the efforts governments are making to achieve the Priority Reforms and how they are delivering improved outcomes.

### Improving implementation plans

The Commission recommends that governments treat implementation plans as strategic documents rather than 'laundry lists' of activities.

- Implementation plans need to reflect the diversity of regional needs, cultures and governance structures in each jurisdiction.
- Governments need to work more closely with Aboriginal and Torres Strait Islander people to agree substantive actions that are informed by a theory of change.
- Annual reports need to show how those strategies and actions are progressing and contributing to improved outcomes.

### Data development has been too slow

- It is not clear who is ultimately responsible for data development.
- There is a lack of resourcing and processes within government to work with Aboriginal and Torres Strait Islander people to develop solutions for missing data.

### Establishing a Bureau of Indigenous Data

The Commission recommends creating a Bureau of Indigenous Data (BoID) that would:

- coordinate and oversee data development work under the Agreement
- support governments to embed Indigenous Data Governance into their data systems and practices
- invest in the data capability of Aboriginal and Torres Strait Islander organisations and communities.

The BoID should be:

- led by a Chief Indigenous Data Executive and governed by an Indigenous Data Board
- funded jointly by the Australian, state and territory governments
- initially operate under an existing statutory agency, but then established under its own legislation by 2028.

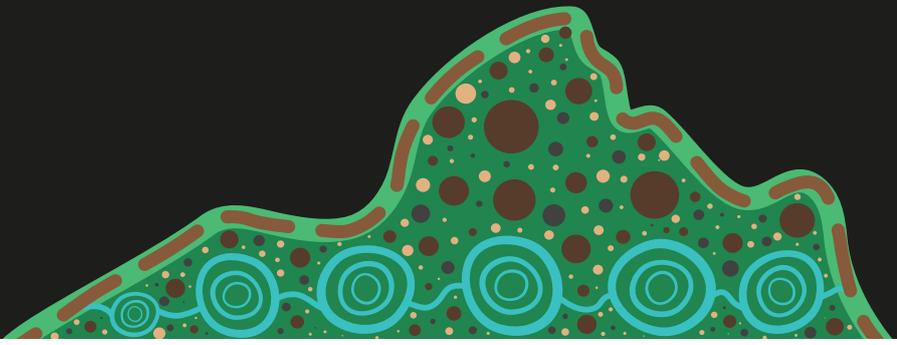
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# Accountability

## Ways to drive change



The accountability mechanisms in the Agreement are not enough to drive change.

What we are seeing from governments to date will not deliver the commitments made in the Agreement.

Governments continue to act in ways that don't align with the Agreement.

A suite of actions are needed to improve accountability for the implementation of the Agreement and ensure that Closing the Gap is embedded in the work of government, as it was intended to be.

Establishing the independent mechanism without further delay. It should have:

- an expanded role and powers
- a legislative basis
- guaranteed funding.

Improving transparency of actions taken to implement the Agreement

- ↳ Including a statement on Closing the Gap in every government organisation's annual report, that detail substantive actions taken and the outcome of those actions.
- ↳ Publishing the stocktakes, partnership agreements, transformation strategies and other documents developed under the Agreement.

Driving accountability for implementing the Priority Reforms through government leadership and systems

- ↳ Regular meetings between Ministers and Aboriginal and Torres Strait Islander peak bodies.
- ↳ Reviewing and updating Cabinet and Budget processes so that they explicitly promote, support and encourage the Priority Reforms.
- ↳ Designating a senior leadership group to drive public sector change in each jurisdiction.
- ↳ Embedding responsibility for improving cultural capability and relationships with Aboriginal and Torres Strait Islander people into public sector employment requirements.

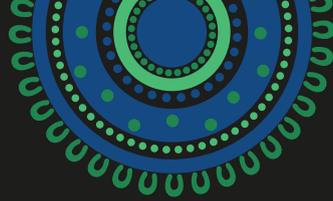
Strengthening the implementation of the Agreement

- Adequately resourcing for the implementation of the Agreement.
- Ensuring other national agreements reflect the National Agreement on Closing the Gap.



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# Socio-economic outcome areas

## Assessing progress in the socio-economic outcome (SEO) areas

### The Commission examined three socio-economic outcome areas

↳ **SEO 11 (Youth justice)**  
focusing on reforms to raise the minimum age of criminal responsibility.

↳ **SEO 12 (Child protection)**  
focusing on the policy of delegated authority for child placement in out-of-home care.

↳ **SEO 13 (Family safety)**  
focusing on the Aboriginal and Torres Strait Islander Action Plan (part of the National Plan to End Violence against Women and Children.)

The Commission looked into how government actions in each of these socio-economic outcome areas align with the Priority Reforms.

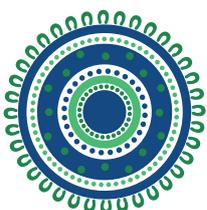
### Some positive signs of progress

The three areas show that some governments have been willing to change their approach and to adopt policies championed for decades by Aboriginal and Torres Strait Islander people.

- ↳ Governments have partnered with Aboriginal and Torres Strait Islander people.
- ↳ Governments have committed to improving data in the three SEOs. This includes recognition of Indigenous Data Sovereignty as a guiding principle under the Aboriginal and Torres Strait Islander Action Plan.

### But governments still ...

- ↳ retain power over decision-making in partnerships
- ↳ limit the extent of Aboriginal and Torres Strait Islander people's control of the speed and direction of reform
- ↳ require Aboriginal and Torres Strait Islander people to fit into mainstream approaches to design and implementation
- ↳ have not reformed mainstream systems and institutions
- ↳ need to progress data development and data sharing which is needed for these reforms.



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