



Letter from the Coalition of Peaks in response to the Draft Productivity Commission review of the National Agreement on Closing the Gap

The Coalition of Peaks would like to thank the Productivity Commission for its engagement with our members and reporting on the progress of work under the National Agreement. Many of the issues raised by our Peak members were reflected in the Draft Productivity Commission review and we look forward to seeing the final report in November 2023.

We have been calling for Australian Governments to take urgent and sustained efforts to fulfil their commitments on the implementation of the National Agreement on Closing the Gap (National Agreement). As previously stated, the Peaks have been encouraged by some progress of governments to embrace and implement the Priority Reforms in the National Agreement, however overall efforts are too inconsistent and lack the necessary courage to make systemic and structural change. Governments are behind on several commitments, and some actions have been addressed in a cursory way that has not led to genuine change.

It is the Coalition of Peaks view that the Priority Reforms in the National Agreement is where the structural and systemic change can happen, we believe that if these Priority Reforms are embedded, this will naturally improve the trajectory of the Closing the Gap socio-economic targets. However, as detailed in your review there are only pockets of good practice and overall progress against the Priority Reforms has been slow, uncoordinated, and piecemeal.

Through the National Agreement, Aboriginal and Torres Strait Islander people right across Australia have been very clear in saying:

- Our communities and organisations are to be equal partners with governments and share in the decisions on policies and programs that impact on us;
- Our organisations are to be properly supported to deliver the services we need;
- Mainstream organisations need to transform, to do much better by and for our people; and
- We need better and shared data at the regional level to inform shared decision making at the community level.

It sounds like a simple proposition, but it is a radical change to the way governments have worked since Federation. As your review points out, governments are struggling with this radical change and are finding it hard to leave their old ways of doing and knowing behind.

That said, the Coalition of Peaks do believe that there is some structural change that is occurring by governments where the way programs have been designed and delivered have been re-orientated to embed the Priority Reforms. Whilst all governments are grappling with the scale of the task, we believe it is important for the review to identify more of where governments are implementing the National Agreement properly.

With regards to each of the Priority Reform areas, we note the following:

Priority Reform One

As stated in your review, some partnerships have succeeded in building trust and progressing the priorities of communities, however this is not wholesale, many relationships do not embody the Priority Reforms, many government departments and agencies don't value the partnerships of their Aboriginal and Torres Strait Islander counterparts. Many partnerships are not equally balanced, and the power and control still lies within the governments remit, until governments are ready to relinquish control and listen to Aboriginal and Torres Strait Islander counterparts, nothing will change. Additionally, many government departments and agencies only come to the Coalition of Peaks looking for advice to set up an advisory committee, to provide advice on the projects and programs they are developing, not to work in partnership with shared decision making.

Priority Reform Two

The Coalition of Peaks know that government parties are not doing enough to support Aboriginal Community Controlled Organisations (ACCOs) to thrive. As stated in your review ACCOs are often perceived by governments as charities, or passive recipients of funding, rather than essential business partners in delivering outcomes for governments and the community. ACCOs employ a high number of Aboriginal and Torres Strait Islander people, and their services are often preferred by Aboriginal and Torres Strait Islander people then other services, ACCOs improve the lives of Aboriginal and Torres Strait Islander people, yet we are not seeing the investment commitments from the National Agreement. Clause 55 of the National Agreement aims to increase the proportion of services delivered by community-controlled organisations, and recognises the need for an adequately funded, strong sector and sets out a roadmap to achieving this. Government commitment to this clause is delayed, because government have wasted too much time focusing on the limitations in the community-controlled sector, and labouring over the definition of 'meaningful proportion'.

Priority Reform three

The Coalition of Peaks agrees that the review accurately states that the transformation committed to under Priority Reform three requires much more than piecemeal policies and programs aligned to individual transformation elements. It is not always easy or comfortable for governments to hold a mirror up and look critically at whether their workplaces, policies, procedures, programs and services are fair, culturally safe and free from racism. However, this is necessary and requires openness and honesty.

We are acutely aware of the lack of progress made towards the development of an independent mechanism (or mechanisms) under Clause 67 of the National Agreement. Progress on Priority Reform three and a change of the status quo of 'business as usual' will require the implementation of an independent mechanism (or mechanisms) which will support, monitor and report on the transformation of government organisations in most jurisdictions.

Subject to the outcomes of the referendum and if a Voice is not established, we think it would be important for the independent mechanism to have a broader function that monitoring Priority Reform three and could be extended to monitor the whole implementation of the National Agreement by governments and other reforms with a significant impact on Aboriginal and Torres

Strait Islander people. This could include assessing government Closing the Gap implementation plans and annual reporting.

Priority Reform four

As stated in your review, Priority Reform 4 does not explicitly mention Indigenous data sovereignty, however, many Aboriginal and Torres Strait Islander people want government parties to consider how they can embed Indigenous data sovereignty into all the work undertaken under Priority Reform four and specifically in the work undertaken through the Community Data Projects.

While lack of clarity is one reason that governments implementation plans lack ambition to change how Aboriginal and Torres Strait Islander people's data is managed across governments. The main issues the Coalition of Peaks are finding around Priority Reform four is Government data custodians have never shared data in this way, and simply do not know how it could be done, Privacy laws and legislation prevents the sharing of data, and Government data custodians not understanding their commitments to Priority Reform four. Additionally, an emphasis should be placed on the data Aboriginal and Torres Islander people need, not what the government wants.

The Coalition of Peaks would support an *existing* entity being identified as being responsible for driving change in this area. The entity would be required to have the necessary support, powers and responsibilities to bring all governments together.

In relation to the establishment of the Community Data Projects, the main issues that prevent these projects from progressing are lack of funding, limited collaboration between Commonwealth and jurisdictional governments on sharing data and negotiation on data sharing agreements.

We also wish to make the following overarching points.

Greater oversight and accountability

We agree that much more accountability and oversight on how governments implement the Priority Reforms needs to be in place. We also agree with the PC findings in the Draft Report that the implementation plans need to be more specific on the structural change governments are undertaking and move away from lists of programs.

The Coalition of Peaks would also like to see implementation of the National Agreement built into the performance systems of public servants and Ministers and where there are consequences for not meeting associated performance indicators.

We would also like to see greater accountability in government budgets, where governments produce annual Closing the Gap budget statements that outline investment made in line with the Priority Reforms and investment required to close the gap against each of the socio-economic target areas and then how the new investment is addressing this funding gap.

Implementation plans and annual reporting by governments should focus only on activities that are changing or are new because of the National Agreement.

The Coalition of Peaks support an Aboriginal and Torres Strait Islander Voice as proposed in the Uluru Statement and believe, subject to a successful referendum, it could make an important contribution in overseeing implementation and holding governments to account for the National Agreement.

As noted above, it is crucial that governments meet their obligations and establish an independent mechanism to monitor Priority Reform Three. As part of this work and as above, we see merit in considering whether there should be a broader role for the independent mechanisms, especially if the Voice was to not progress. We would also expect that the independent mechanism would work together across jurisdictions to provide a comprehensive national picture.

Way forward

Where policies are designed in partnership with shared decision making, we have seen real change. Where our community-controlled organisations have been better supported to provide the services needed by our communities, we have seen improved uptake as a result. But we have not seen whole scale implementation across all areas of departments and the leadership needed from Cabinets. We need the Priority Reforms embedded into all decision-making processes of government.

The Coalition of Peaks want to see relevant intergovernmental agreements being used to support Closing the Gap. The National Agreement includes a clear commitment from Parties to 'mobilising all avenues and opportunities available to them to meet the objective of this Agreement' (clause 16). Further, the National Agreement (clause 112) acknowledges that implementation will require significant and effective use of resources and allows for consideration of additional 'joint budget work' to meet the activities under the Agreement (clause 114) in recognition that the National Agreement did not include additional financial investment.

Mainstream National Agreements are a critical funding and performance mechanism to be mobilised by Governments to 'closing the gap'. We also note that many of the Indigenous-specific Intergovernmental Agreements have ceased in recent years with no replacement. This places greater emphasis on ensuring that mainstream National Agreements are responsive to the needs of Aboriginal and Torres Strait Islander people and make a significant contribution to 'closing the gap'.

We would like to see this issue highlighted by the PC as an area for immediate attention for governments as we note that the negotiations between governments on the Housing and Homelessness Agreement and the Schools Reform Agreement are well advanced.

It would be useful for the PC to draw out in the final report some more case studies of where the Priority Reforms have been applied by governments in a fulsome way examining what specific practices have changed or what success factors were in place to enable change. Governments could be asked to provide one example each, that does not include working with the Coalition of Peaks, where they have made genuine effort to implement the Priority Reforms in how they work. We believe this will help demonstrate that, overall, the National Agreement, is making a difference, is changing practice, and is setting up the right foundations for improved outcomes for our people. We think it is vital that the National Agreement stays in place for the full ten years and beyond and a keyway to support this is to ensure that the public and key stakeholders can see that the National Agreement is making a difference.

To support the full implementation of the Priority Reforms by the public service, we would like to see public service legislation in all jurisdictions amended to reflect a requirement to abide by the Priority Reforms. We think Priority Reform one should be particularly reflected. Should the referendum on the Voice not be successful, this will provide an alternative way to help ensure Aboriginal and Torres Strait Islander voices are considered in decisions on policies and programs that impact on us, as per Priority Reform one.

While we know there is still a long way to go until governments fully embed the Priority Reforms into all their decision-making processes, we are hopeful that governments, together with the

Coalition of Peaks, can implement the National Agreement in full and ensure change is occurring for the better. We will not back away from the National Agreement. We are committed for the long term and we cannot risk governments chopping and changing their policy approaches when things get hard. We will also not back away from calling governments to account under this new way of working, as it's critical to the lives of Aboriginal and Torres Strait Islander people.

Signed by the Coalition of Aboriginal and Torres Strait Islander Peak Organisations:





Also signed by: National Family Violence Prevention and Legal Services Forum; NSW Coalition of Aboriginal Peak Organisations; Loddon Mallee Aboriginal Reference Group; Queensland Aboriginal and Torres Strait Islander Coalition; Aboriginal Drug and Alcohol Council; Aboriginal Family Support Services; First Nations of South Australia Aboriginal Corporation, who don't currently have logos available for use.

About the Coalition of Peaks

This submission is provided on behalf of the Coalition of Aboriginal and Torres Strait Islander Peak Organisations (Coalition of Peaks, the Peaks), the representative body of some 80 Aboriginal and Torres Strait Islander community-controlled peak organisations, which represent approximately 800 member organisations that provide services to more than 500,000 of our people nationally, and in every state and territory. The Coalition of Peaks came together to change the way Australian governments work with our people.

Australian Governments have committed to the full implementation of the National Agreement on Closing the Gap (National Agreement) as well as a range of measures that will support improved life outcomes for Aboriginal and Torres Strait Islander people. The National Agreement was initiated by the Coalition of Peaks and was negotiated and agreed with all Australian governments and the Australian Local Government Association through the Partnership Agreement on Closing the Gap (Partnership Agreement).

The Peaks are an act of self-determination and provide governments with an unparalleled network of Aboriginal and Torres Strait Islander people and organisations. Currently, there is no other forum for governments to negotiate and agree the policies and programs that have a significant impact on the lives of Aboriginal and Torres Strait Islander people. The National Agreement was informed by nationwide engagements of almost 4,000 Aboriginal and Torres Strait Islander people, and highlights that we knew what was needed to improve the lives of our people.