

Victorian Government Response

Productivity Commission's Review of the
National Agreement on Closing the Gap
Draft Report

November 2023





Acknowledgement

We acknowledge First Peoples in Victoria and their ongoing strength in practising the world's oldest living culture. We acknowledge the Traditional Owners of the lands and waters on which we live and work and pay our respect to their Elders past and present.

We recognise that from time immemorial, First Peoples in Victoria have practised their law and lore, customs and languages, and nurtured Country through their spiritual, cultural, material and economic connections to land, water and resources.

We acknowledge the long-lasting, far-reaching and intergenerational consequences of the dispossession of First Peoples of their Country are a direct result of colonisation and the establishment of the State of Victoria. The reality of colonisation involved establishing Victoria with the specific intent of excluding Aboriginal people and their laws, cultures, customs, and traditions, including through horrific violence perpetuated at individual, societal and systemic levels. This history, and the systems it gave rise to, continue to harm First Peoples today. It is only through true Aboriginal self-determination that we can begin to right the wrongs of the past.

We acknowledge the strength and resilience of First Peoples in the face of historical and ongoing injustices, and the survival of their living cultures, knowledge, and traditions.

Language Statement

Language is important and can change over time, and words can have different meanings for different people.

We recognise the diversity of Aboriginal peoples, communities, and cultures throughout Victoria. While the terms 'Koorie' or 'Koori' are commonly used to describe Aboriginal people of southeast Australia, unless otherwise stated, we have used the term 'Aboriginal' or 'First Peoples' to include all people of Aboriginal and/or Torres Strait Islander descent who live in Victoria.

1. INTRODUCTION

In July 2020, Victoria, alongside the Commonwealth Government, state and territory governments, the Australian Local Government Association and the Coalition of Aboriginal and Torres Strait Islander Peak Organisations (Coalition of Peaks), signed the National Agreement on Closing the Gap (National Agreement). The Victorian Government is committed to meeting and exceeding our commitments under the National Agreement and driving change to ensure strong, self-determined outcomes for First Peoples in Victoria.

The National Agreement commits the Victorian Government to working in partnership with the Coalition of Peaks and First Peoples communities and organisations. The first three years of Closing the Gap implementation have been critical in building the architecture and partnerships underpinning the long-term reforms required to achieve transformative change and the National Agreement's Priority Reforms. In Victoria, this has included the establishment of the Closing the Gap Partnership Forum (Partnership Forum), Victoria's formal partner for implementing the National Agreement.

The draft report of the Productivity Commission's Review of the National Agreement on Closing the Gap (Review) was released in July 2023 and is the first comprehensive analysis of progress under the National Agreement. The Victorian Government acknowledges the extensive and valuable work undertaken by the Productivity Commission to prepare the Review, particularly the breadth of engagement with parties to the National Agreement and First Peoples communities and stakeholders. The Victorian Government has welcomed the opportunity to contribute to the Review, including through multiple coordinated responses to the Productivity Commission's information requests.

The Review provides a timely opportunity to reflect on what parties to the National Agreement have achieved and the magnitude of work that lies ahead for the Victorian Government. It provides an analysis of National Agreement progress and implementation challenges over the last three years. Its findings and recommendations highlight areas for improvement and areas where additional effort is required.

In implementing the National Agreement, Victoria notes the Review's call for governments to drive transformative action and improve accountability mechanisms to deliver its commitments under the National Agreement. Victoria welcomes the Review's recommendations and remains committed to working with National Agreement parties and the Partnership Forum to ensure Victoria meets its National Agreement commitments and delivers strong, self-determined outcomes for First Peoples.

The Productivity Commission has sought feedback on the Review and further information to inform the final Review report. This Victorian Government Response to the Review includes an overview of Victoria's implementation, general feedback on the approach to the Review, and responses to the six draft recommendations and eleven information requests.

2. NATIONAL AGREEMENT IMPLEMENTATION IN VICTORIA

2.1 Victoria's approach to implementing the National Agreement

Victoria recognises that the National Agreement requires governments to embark on fundamental, transformational change to the way it works with First Peoples. Victoria's Closing the Gap Implementation Plan 2021-2023 (Implementation Plan) tabled in Parliament in June 2021, embeds the National Agreement's four Priority Reforms to share decision-making authority through formal partnerships between First Peoples and governments; build a strong and sustainable community-controlled sector; transform government institutions; and share access to locally relevant data.

The Implementation Plan includes actions to meet the 19 targets, set out across 17 socio-economic outcomes, by 2031. It is informed by and includes commitments from existing state government policy, including the Victorian Aboriginal Affairs Framework 2018-2023 (VAAF), the Victorian Government's overarching framework for First Peoples affairs.

Achieving equitable outcomes for First Peoples can only be achieved through First Peoples' self-determination. First Peoples' voices are leading the way in implementing Victoria's commitments under the National Agreement. Ngaweeyan Maar-oo, the Koorie Caucus of the Partnership Forum ensures implementation of the National Agreement in Victoria is community-led. Implementation priorities are also informed by Victoria's existing Aboriginal governance forums across respective sectors. Aboriginal governance forums are critical partners in directing and delivering better outcomes for First Peoples.

Victoria remains steadfast in its commitment to implementing the National Agreement to 2031 and driving reform across all parts of government, in partnership with First Peoples.

2.2 Voice, Treaty and Truth in Victoria

The Victorian Government is committed to First Peoples' self-determination and is the only jurisdiction in Australia to embrace and action all elements of the Uluru Statement from the Heart – Voice, Truth, and Treaty.

Treaty is a fundamental reset of the relationship between the Victorian Government and First Peoples. To ensure a strong and fair Treaty process, the Victorian Government and the First Peoples' Assembly of Victoria (First Peoples' Assembly) —Victoria's democratically elected, representative body for Traditional Owners and First Peoples — have now negotiated all elements required prior to negotiating Statewide and Traditional Owner Treaties, as required by Victoria's *Advancing the Treaty Process with Aboriginal Victorians Act 2018* (Treaty Act). These elements include establishment of the Treaty Authority, Treaty Negotiation Framework and Self-Determination Fund. Formal Treaty negotiations are expected to commence in 2024, following the recruitment of Members to the Treaty Authority in 2023.

The Yoorrook Justice Commission, Australia's first truth-telling inquiry into the ongoing systemic injustices experienced by First Peoples since colonisation, is also underway. Truth-telling is a critical component of the Victorian Government's commitment to understanding how colonisation has shaped government institutions and policy making, and lead to ongoing systemic racism and injustices. It also serves as a mechanism to hold the Victorian Government accountable for commitments to change. The Yoorrook Justice Commission recently completed a line of inquiry into systemic injustice in the criminal justice and child protection systems, and their *Yoorrook for Justice* report released in September 2023, provides important information and accounts of lived experience of the continued effect of systemic racism on First Peoples. It also outlines 46 recommendations to inform transformation of the criminal justice and child protection systems.

Victoria's implementation of the National Agreement complements the work on Truth and Treaty through the common aim of advancing self-determination and handing over decision-making powers and resources to First Peoples on matters that affect their lives. Victoria is committed to these

processes and reforms, acknowledging that the best outcomes for First Peoples are achieved when policies and programs are based on First Peoples knowledge, expertise and priorities.

2.3 Victoria's Partnership Forum

Victoria's Partnership Forum was established in May 2022 to drive action on the National Agreement and Implementation Plan.

The Partnership Forum was designed to have a Koorie Caucus – Ngaweeyan Maar-oo (meaning 'the voice of and from the people') – that is representative of and accountable to the 14 sectors under the National Agreement. To this end, Ngaweeyan Maar-oo was created through an independent, community-based selection process in 2022, to ensure diverse representation and accountability back to Aboriginal communities. All Victorian Aboriginal Community Controlled Organisations (ACCOs) and formally recognised Traditional Owner groups were invited to nominate and vote on organisations to represent the 14 sectors under the National Agreement in a process run independently of the State. Additionally, eight members are delegated by the Koorie Caucuses of Victoria's Aboriginal governance forums to provide strategic linkages between priority policy reforms and National Agreement implementation. Accordingly, Ngaweeyan Maar-oo is comprised of 21 senior First Nations leaders with a breadth of expertise. Elected in March 2023, the current Ngaweeyan Maar-oo Co-Chairs are Michael Graham from the Victorian Aboriginal Health Service and Lisa Briggs from Aboriginal Housing Victoria.

In addition to Ngaweeyan Maar-oo, the Partnership Forum comprises all departmental Secretaries, the Chief Commissioner of Victoria Police, the Victorian Public Sector Commissioner, and the CEO of Homes Victoria.

The Partnership Forum is co-chaired by the Secretary, DPC, and Ngaweeyan Maar-oo Co-Chairs. It meets quarterly to progress key implementation initiatives and whole-of government reforms under the National Agreement. Ngaweeyan Maar-oo also meets independently of government to identify self-determined priorities for National Agreement initiatives and reforms. The Victorian Government has formally extended the term of the Partnership Forum to 30 June 2025. The extension will ensure that the critical work and significant momentum of the Partnership Forum can continue.

2.4 Victoria's Implementation Plan and annual reporting

Victoria's Implementation Plan expires at the end of 2023. Approval will be sought to extend the Implementation Plan to 30 June 2025, with a commitment to develop a second Implementation Plan in 2024 in consultation with the Partnership Forum and First Peoples' Assembly, to ensure Treaty alignment. An extension to the first Implementation Plan will provide continuity of direction for the Partnership Forum's implementation activities for its extended operational period.

Victoria's reporting against the Implementation Plan and the VAAF is embedded in the annual Victorian Government Aboriginal Affairs Report (VGAAR). The 2022 VGAAR was tabled in Parliament in June 2023 and is publicly available on the Victorian Government's First Peoples-State Relations website. It will also be tabled at Joint Council in November 2023.

3. GENERAL FEEDBACK ON THE SCOPE OF THE REVIEW

3.1 Current progress metrics do not capture all jurisdictional actions

The Victorian Government considers that the Review's assessment of progress against the National Agreement's Priority Reforms and socio-economic targets outcomes does not adequately capture how other jurisdictional reforms align with the targets under the National Agreement. Victoria is pursuing more ambitious and comprehensive goals under the VAAF, many of which do not have a direct comparison point under the National Agreement. It is necessary to understand that the VAAF provides a forward-looking agenda for First Peoples' affairs in Victoria which includes but is not limited to Victoria's commitments under the National Agreement.

3.2 Consideration of socio-political challenges to implementation of the National Agreement

Given the Review is examining the first three years of National Agreement implementation, Victoria considers that it is necessary for the Review to better acknowledge and assess how National Agreement implementation has been impacted by the COVID-19 pandemic and associated responses, as well as natural disasters such as the 2022 floods in Victoria. Significant events, such as pandemics, fires, floods or other emergencies necessarily impact whole-of-government priorities and capacity to fully engage with cross-cutting reforms. Such events also disproportionately impact First Peoples communities and ACCOs and their capacity to respond to long term issues and priorities, including in regional and rural communities.

4. RESPONSE TO DRAFT RECOMMENDATIONS

The Victorian Government supports or supports in-principle the Review's six draft recommendations to drive action and strengthen accountability for National Agreement implementation. Victoria is committed to working with parties to the National Agreement and the Partnership Forum to progress the recommendations.

Draft Recommendation	Victorian Government Feedback
1: Appoint an organisation to lead data development under the National Agreement	Victoria supports recommendation 1. As a first step, Victoria has responded to the Productivity Commission's related Information Request 7.
2: Designate a senior leader or leadership group to drive jurisdiction-wide change to public sector systems and culture	Victoria supports recommendation 2, noting that the seniority of government members of the Partnership Forum supports effective progress towards whole-of-government transformation and implementation of the National Agreement. The Partnership Forum has also endorsed the establishment of a Victorian Government Closing the Gap Interdepartmental Working Group (CTG-IWG) to drive action on key Closing the Gap commitments. Further information about the CTG-IWG is outlined in Information Request 10.
3: Embed responsibility for improving cultural capability and relationships with First Peoples into public sector employment requirements	Victoria supports recommendation 3 and is developing a range of measures to promote cultural capability within the public sector. Further information is outlined in the response to Information Request 3.
4: Task central agencies with leading changes to Cabinet, Budget, funding, and contracting processes	Victoria supports recommendation 4 and central agencies are implementing several reforms aligned to this recommendation. Further information is outlined in the response to Information Request 3.
5: Include a statement on Closing the Gap in government agencies' annual reports	Victoria supports in-principle recommendation 5. While some Victorian departments currently include statements in their annual reports, the CTG-IWG will explore options for improved accountability mechanisms. This may include the requirement for inclusion of a statement on Closing the Gap in all government agency annual reports.
6: Publish all the documents developed under the Agreement	Victoria supports in-principle recommendation 6. To date, Victoria has published the Implementation Plan and annual reports developed under the National Agreement.

5. RESPONSE TO INFORMATION REQUESTS

5.1 Information Request 1: Effectiveness of policy partnerships

The Victorian Government is committed to the five policy partnerships established under the National Agreement: Justice, Social and Emotional Wellbeing (Mental Health), Early Childhood Care and Development, Aboriginal and Torres Strait Islander Languages, and Housing. Victorian Government representatives actively participate in all policy partnerships to drive community-led outcomes. Policy partnerships provide a forum for discussion on sector issues and priorities between governments and First Peoples stakeholders and have potential to be an effective tool for informing and influencing policy decisions across Australia.

Policy partnerships exist alongside other sector governance and advisory bodies at a national and state and territory level. For example, the Victorian Government has well-established formal partnerships with Aboriginal governance forums across its respective sectors. However, Victoria considers there is a lack of clarity on how policy partnerships align or communicate with each other and other bodies in a complex, intergovernmental policy environment. Victoria suggests that improved guidelines and processes on feedback mechanisms and the publication of positions developed by the policy partnerships could improve the utility of policy partnerships.

Resourcing for First Peoples sector and organisational representatives to engage in the work of the policy partnerships is critical to delivering improved outcomes. Governments are currently well-resourced to attend meetings, engage with stakeholders and present detailed policy positions. However, existing funding to support ACCO-sector participation may not allow ACCOs adequate time and resourcing to engage with First Peoples communities and stakeholders and to develop joined-up policy positions underpinning their formal advocacy. Further information on ACCO funding is at Victoria's response to Information Request 2.

5.2 Information Request 2: Shifting service delivery to ACCOs

The Victorian Government is committed to building the capacity and capability of ACCOs. Victoria committed \$3.3 million over four years in 2020-21 as part of a virtual funding pool to strengthen the capacity of the ACCO sector. In August 2023, the Partnership Forum endorsed a Ngaweeyan Maaroo proposal to allocate \$540,000 from Victoria's \$3.3 million sector strengthening funding to a cross-sectoral Early Years Proposal, including delivery of an Early Years Summit in 2024.

Recent child protection reforms also highlight how Victoria is working to transfer mainstream service delivery to ACCOs to reduce the over-representation of Aboriginal children and young people in child protection and family services. For example, the *Children and Health Legislation Amendment (Statement of Recognition, Aboriginal self-determination and Other Matters) Act 2023* expands the role of Aboriginal agencies delivering children and family services and complements work to facilitate transition of care to ACCOs through the Aboriginal Children in Aboriginal Care (ACAC) and Transitioning Aboriginal Children (TAC) programs.

Victoria's Expenditure Review under clause 113 of the National Agreement represents the first time that Victoria has examined expenditure for First Peoples. The outcomes of this review will help identify reprioritisation opportunities. Phase One of Victoria's Expenditure Review, which analysed targeted expenditure on First Peoples-specific programs and services, has been completed. It found that ACCOs are delivering 55 per cent of targeted expenditure in 2022-23 and that this proportion of expenditure has remained relatively consistent (between 53% and 59%) in the four years from 2019-20 to 2022-23. Phase Two of Victoria's Expenditure Review will quantify First Peoples' share of non-targeted expenditure on Victorian Government programs and services in the areas of child protection, justice, and health and is expected to be finalised in November 2023.

The Victorian Government has committed to a further Expenditure Review in 2024, which will allow for an expanded analysis of non-targeted funding and the opportunity to consider some of the issues raised in the Review. This includes the extent to which, in transferring service delivery from

mainstream organisations to ACCOs, the Victorian Government is reforming the way that services are contracted, funded, delivered, reported and evaluated.

5.3 Information Request 3: Transformation of government organisations

As the provider or funder of services that benefit the entire community, the Victorian Government must ensure its systems, institutions, and services are culturally safe and responsive to the needs of First Peoples. The Victorian Government's Truth and Treaty processes are mechanisms through which Victoria will deliver structural, self-determined change. These processes will strengthen implementation of the National Agreement and are critical to ensuring continued transformation of government organisations and self-determined outcomes for First Peoples.

The Victorian Government is implementing a range of initiatives on budget processes aimed at improving funding outcomes for ACCOs and First Peoples' priorities. For example, the Department of Treasury and Finance (DTF) has developed its Advancing Self-determination in DTF Plan (DTF Plan) to inform the delivery of self-determination reforms and deliver against commitments in the VAAF and Victoria's Self-Determination Reform Framework (SDRF). Recent progress on the DTF Plan is outlined in DTF's Annual Report 2021 – 2022. Victoria is also the first jurisdiction to embed an Early Intervention Investment Framework in their budget process. DTF and line agencies are committed to providing increased transparency on the budget cycle to equip ACCOs to engage in budget bid development and advocacy.

The Victorian Government has progressed a range of initiatives to promote Victorian Public Sector (VPS) transformation. Victoria's SDRF embeds responsibility for improving cultural capability and relationships with First Peoples in the VPS. Recent examples of how the Victorian Government is seeking to promote, improve and embed cultural capability include:

- Barring Djinang, the 5 year Aboriginal employment strategy for the VPS. It is currently being refreshed to ensure better accountability to Aboriginal employees by departments.
- Barring Djinang Aboriginal cultural capability toolkit, which is designed to support public sector workplaces to build their capability in recruitment of Aboriginal people within the VPS.
- The Victorian Public Sector Commission (VPSC) insights paper on *Acknowledging the lived experience of Aboriginal employees – VPSC*, released in June 2023, which details issues experienced by many Aboriginal employees within the VPS, including high cultural load, racism and cultural safety.
- *Make us count: understanding Aboriginal women's experiences in Victorian public sector workplaces* report commissioned by the Commission for Gender Equality in the Public Sector during 2022-23.

5.4 Information Request 4: Indigenous data sovereignty and Priority Reform Four

The Victorian Government acknowledges the critical importance of Indigenous Data Sovereignty for First Peoples' self-determination. The Victorian Government has committed to Indigenous Data Sovereignty as a potential subject matter for negotiation in Statewide and Traditional Owner treaties under the Treaty Negotiation Framework. The Victorian Government is also responding to recommendations relating to Indigenous Data Sovereignty made by the Yoorrook Justice Commission, including in its *Yoorrook for Justice* report.

Victoria notes that Indigenous Data Sovereignty is not embedded in the National Agreement. Indigenous Data Sovereignty requires a fundamental shift in the relationship between First Peoples and governments when it comes to all parts of the data lifecycle, including how First Peoples data is collected, processed, analysed, accessed, and disseminated. While the 'Data and information sharing elements' outlined at clause 71 of the National Agreement outline how governments collect, handle, provide and report data to First Peoples communities and organisations, Victoria notes decision-making powers over the lifecycle of the data currently remains firmly in the remit of government parties.

Victoria considers that to substantively progress Indigenous Data Sovereignty under the National Agreement, the National Agreement would benefit from inclusion of an explicit statement about Indigenous Data Sovereignty as an outcome or objective of Priority Reform Four. This clear objective would support self-determined priorities and further align Priority Reform Four with broad Indigenous Data Sovereignty principles developed by the Australian Indigenous Governance Institute.

5.5 Information Request 5: Legislative and policy change to support Priority Reform Four

The Victorian Government is working towards increasing First Peoples' ownership and control of data. This includes shared access to local and disaggregated data and information for First Peoples communities and organisations. Despite some progress being made, Victoria notes the Review's finding that there exists a culture of caution about data sharing that is an impediment to First Peoples obtaining government-held data. This is partially influenced by community concerns about the risks of breaches or misuse of personal data.

While the Review found governments' reluctance to share data with First Peoples does not appear to be driven by specific impediments in law or policy, Victoria notes that some legislative barriers do exist. For example, the *Victorian Data Sharing Act 2017* (Vic) nominally provides a set of rules around the power of the Chief Data Officer of Victoria to request data from government bodies (data sharing bodies, designated bodies) for the purpose of data integration, analytics and the coordination of data sharing work. However, under this legislation ACCOs or Traditional Owner Corporations are neither data sharing bodies nor designated bodies.

This barrier is similarly evident in Commonwealth legislation, where the *Data Availability and Transparency Act 2022* (Cth) authorises Commonwealth Government bodies to share public sector data that they control with accredited users. However, accredited users are limited to Australian, state and territory government bodies and Australian universities. These legislative frameworks limit data sharing opportunities with parties outside governments. Further work is required to amend legislation to enable more comprehensive data sharing with First Peoples communities and organisations.

Current policies aimed at increasing the sharing and use of public sector data also present limitations. For example, the Intergovernmental Agreement on Data Sharing between Commonwealth and state and territory governments commits all jurisdictions to share public sector data, however not with non-government parties. Currently there is no obvious pathway for an ACCO to increase data capability to securely hold government program and aggregate data. Victoria advocates for a formalised process of funding, training, capability development, and support to achieve this.

5.6 Information Request 6: Characteristics of the organisation to lead data development under the National Agreement

The Victorian Government is represented on, and has actively participated in, both Partnership Working Group and the Data and Reporting Working Group. This includes working collaboratively with other jurisdictions and the Coalition of Peaks to implement the national Data Development Plan to prioritise data development actions over the life of the National Agreement.

Victoria notes the Review's findings on consolidating responsibility for coordinating all new data development under one organisation or entity with dedicated resourcing to lead data development. Victoria considers that one central organisation with one Data Development Plan to track progress would provide visibility of all actions, action owners and timeframes and ensure high priority items falling outside the original scope of the Data Development Plan are monitored and actioned by jurisdictions.

An organisation or entity appointed to lead data development work under the National Agreement should be supported by strong governance arrangements and First Peoples' leadership. Key capabilities, skills and attributes that Victoria considers important for an organisation leading data development work include: First Peoples cultural competency; awareness and understanding of First Peoples cultures, histories, knowledges and perspectives; expertise in monitoring, evaluation and learning; and in data collection, analysis and presentation. Further consideration of First Peoples-led data development is outlined in Victoria's response to Information Request 4.

5.7 Information Request 7: Performance reporting tools – dashboard and annual data compilation report

In line with the Victorian Government's commitment under the National Agreement and the VAAF to improve data access, transparency and understanding, the Victorian Government has an interactive VAAF Data Dashboard that can be accessed via the Victorian Government's First Peoples – State Relations website. It offers a user-friendly platform to access detailed state level data, including data related to Closing the Gap outcomes. It also includes disaggregated data at sub-state level where available. While this Report is limited to the data available during the reporting cycle, the VAAF Data Dashboard is updated to report on measures when new data becomes available.

The Productivity Commission's Closing the Gap Annual Data Compilation Report (ADCR) and Closing the Gap Data Dashboard provide a further assessment of Victoria's progress under the National Agreement. Victoria considers the main audiences for the Closing the Gap Data Dashboard and ADCR are First Peoples organisations and communities, the parties to the National Agreement; and media and research organisations with an interest in First Peoples issues. The usability and accessibility of the Closing the Gap Data Dashboard is relatively high (navigation, graphs, infographics, data specifications), and supports policy development and jurisdictional report writing.

However, the ability for the Closing the Gap Data Dashboard and ADCR to meet the needs of their intended audiences are limited by the varied quality and quantity of data. Data disaggregated to finer geographies or multiple demographic categories would be useful for both the Victorian Government and potentially, First Peoples organisations. To ensure a coherent picture of National Agreement progress, inclusion of data on progress against the four Priority Reforms in the dashboard and ADCR would also be highly beneficial. Currently, the data that can be used to report on progress against the four Priority Reforms is not yet collected, or at an early stage of development.

5.8 Information Request 8: Quality of implementation plans and annual reports

Victoria considers it is necessary that implementation plans under the National Agreement are continually reviewed and updated to ensure they remain relevant, transparent and ambitious. Jurisdictional annual reporting against the National Agreement targets are also an essential mechanism for accountability and ensuring that First Peoples and the broader community have access to regular information on progress against the National Agreement.

The Review found that governments' implementation plans and annual reports provide an incomplete picture of whether and how governments are taking meaningful action. Victoria considers there is a need to balance National Agreement reporting requirements with jurisdiction-specific implementation and reporting. For example, Victoria's annual reporting against the National Agreement is embedded in the VGAAR, which also reports on progress against targets, measures and actions in the VAAF and the SDRF. Streamlined reporting is necessary to ensure that reporting requirements do not impede momentum on National Agreement implementation.

5.9 Information Request 9: Independent mechanism in the broader landscape

The National Agreement requires that by 2023, governments each identify, develop or strengthen an independent mechanism that will support, monitor and report on the transformation of mainstream agencies and institutions. The mechanism must be culturally safe and support mainstream agencies to embed and practice culturally appropriate service offerings. The Victorian Government is committed to ensuring appropriate and robust accountability and oversight of public services, policies and programs for all Victorians. This includes through responding to actions under the National Agreement and supporting the required transformation of government agencies through an independent mechanism. Victoria's independent mechanism will be progressed through Victoria's Treaty process.

In its *Yoorrook for Justice* report, the Yoorrook Justice Commission called for the Victorian Government to immediately commence work on urgent actions relating to First Peoples-led accountability and oversight functions. This includes *Yoorrook for Justice* recommendation 4, which states that the Victorian Government must negotiate with the First Peoples' Assembly to establish an independent and authoritative oversight and accountability commission for the monitoring and evaluation of First Peoples related policies and programs. Further, the Yoorrook Justice Commission notes that the Victorian Government must ensure the proposed oversight and accountability commission is adequately resourced to hold responsible government ministers, departments, and entities to account for the success or failure of the programs they develop and deliver.

5.10 Information Request 10: Senior leader or leadership group to drive changes in the public sector

In August 2023, Victoria's Partnership Forum endorsed the establishment of the CTG-IWG. Membership of the CTG-IWG comprises senior executives from across whole-of-government to support engagement with Closing the Gap implementation priorities and foster a more cohesive and collaborative approach to driving action and system improvement. Senior executive membership ensures effective and timely upward and downward communication and coordination across departments and agencies.

Functions of Victoria's CTG-IWG include building a shared understanding of actions arising from Partnership Forum meetings and identifying system improvements and resources required to drive action on key Closing the Gap implementation and commitments. It is anticipated that the CTG-IWG will also provide a forum for communicating data and information released through National Agreement performance monitoring mechanisms to drive targeted, whole-of-government action.

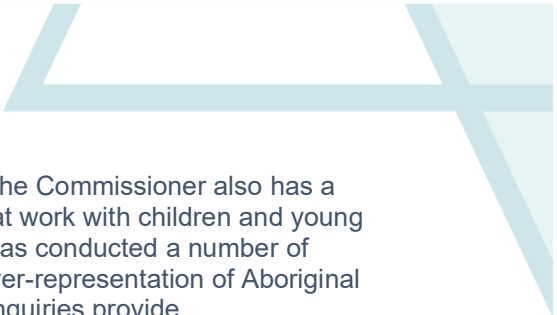
The CTG-IWG first met in October 2023 and will work in partnership with Ngaweeyan Maar-oo in 2024 to develop options for more comprehensive tracking and accountability mechanisms on progress under the National Agreement.

5.11 Information Request 11: Sector-specific accountability mechanisms

Sector specific accountability mechanisms are most effective for First Peoples when they are informed or led by First Peoples issues, priorities, and aspirations. The Victorian Government has well-established formal partnerships with Aboriginal governance forums across its respective sectors. government departments and agencies routinely work with Aboriginal governance forums who provide input and advice on policy and program decisions and are a mechanism for holding government to account.

Other sector-specific accountability mechanisms in Victoria promote partnership with First Peoples representatives. For example, Victoria is progressing the Social Services Regulation Reform which includes the development of a new regulatory framework that will commence in 2024 and includes regulations pertaining to First Peoples' cultural safety in accessing social services.

Victoria also has examples of dedicated First Peoples accountability mechanisms. For example, the Commissioner for Aboriginal Children and Young People is responsible for providing independent scrutiny and oversight of policy, program and services for children and young people, including those



in the out-of-home care, child protection and youth justice systems. The Commissioner also has a regulatory function to prevent abuse and make sure organisations that work with children and young people have child safe practices. In recent years the Commissioner has conducted a number of systemic inquiries, notably the 'Our youth, our way inquiry' into the over-representation of Aboriginal children and young people in Victoria's youth justice system. These inquiries provide recommendations to government and are a critical accountability mechanism through their independent interrogation of the impact of government systems and processes.