



**Aboriginal Peak
Organisations**
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APO NT submission responding to the Productivity Commission's draft report reviewing the National Agreement on Closing the Gap

October 2023

About APO NT

Aboriginal Peak Organisations Northern Territory (APO NT) is an alliance of Aboriginal leaders and organisations working to promote and protect the rights of Aboriginal people living in the Northern Territory (NT).

The APO NT alliance comprises the:

- Aboriginal Medical Services Alliance of the Northern Territory (AMSANT),
- Central Land Council (CLC),
- Northern Land Council (NLC),
- North Australian Aboriginal Justice Agency (NAAJA),
- Aboriginal Housing Northern Territory (AHNT),
- Northern Territory Indigenous Business Network (NTIBN),
- Tiwi Land Council (TLC), and
- Anindilyakwa Land Council (ALC).

The member organisations of APO NT are united in their commitment to improving the outcomes of Aboriginal people across broad political, economic, social, and cultural conditions. As representatives from peak organisations in the NT, we strive for Aboriginal self-determination, and collectively share the aim of protecting and advancing the wellbeing and rights of Aboriginal people and communities.

APO NT's submission responding to the Productivity Commission's Draft Report

This submission includes contributions from APO NT's member organisations.

It makes opening remarks that reflect our shared experiences working to implement the National Agreement. It then responds to the information requests and draft recommendations of the Productivity Commission in chronological order. We have not provided input responding to Information Requests 5, 7 and 11 because APO NT does not have relevant expertise in these areas.



Opening remarks

We welcome this review

APO NT welcomes the opportunity to provide this submission to the Productivity Commission's Draft Report (Report) conducting a review of the National Agreement on Closing the Gap (National Agreement), released on 27 July 2023. APO NT agrees with the draft findings and recommendations contained in the Report and has additional recommendations for consideration.

The National Agreement is critical in the Northern Territory

The NT has the highest proportion of Aboriginal people (over 30%) of all the States and Territories. Almost half of its youth population (45%) is Aboriginal. Yet the Productivity Commission's annual data reporting shows that Aboriginal Territorians experience the most disadvantage of all the States and Territories, and this disadvantage is getting worse across eight out of the 15 socioeconomic indicators. Thus, the National Agreement holds the most promise for change in the NT, and its implementation should be a high priority for the Commonwealth and NT governments.

Coordinated leadership and responsibility for the National Agreement is missing

Consistent with the findings of the Report, it is our view that governments have not yet fully grasped the extent of the transformation required to give effect to their commitments in the National Agreement.

While we acknowledge the considerable leadership and courage of some of our Ministers and senior officials working in the NT, we are not yet seeing collective and coordinated government leadership and responsibility for the National Agreement.

There is no whole-of-government strategy to implement the Priority Reforms. Instead, there is a patchwork of inconsistent approaches. Siloed approaches to implementing the National Agreement are not improving outcomes for Aboriginal people in the NT overall.

We are not always heard in partnership arrangements

There is a lack of accountability mechanisms to ensure that our proposals are given due consideration by governments in the development of Implementation Plans. Many of the most substantive initiatives we have proposed have been disregarded without any meaningful engagement or response. This undermines the authority of our formal partnership with governments on the Closing the Gap agenda.

We want to see a resourcing strategy to implement the Priority Reforms

We are seeking a whole-of-government strategy to resource the Closing the Gap work program. On shared decision making, we are resourced to participate in a small number of the forums where we contribute our advice and experience to governments. On transitions, we are looking for coordinated and significant investments into our Aboriginal Community Controlled Organisations (ACCOs) to enable them to take on services. On government



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transformations, we would like to see Implementation Plans accounted for in budget processes, and staff job descriptions designed around implementing the Priority Reforms. On data sovereignty, we want to see investments in collecting and sharing data differently.

Working with governments in the way envisioned by the National Agreement will take time for our organisations. We are navigating funding uncertainty and we are rapidly growing and building our capabilities to work with governments so that we can have a valuable impact. We acknowledge that this has required flexibility and patience from our government partners. Clarity around future resourcing of our organisations would allow us to plan ahead and build the workforce required to do this work.

We need strong leadership from the highest levels of governments

To give effect to the Priority Reforms and progress the socioeconomic targets in the National Agreement, we need leadership from Ministers and their senior public servants. In the NT Government, this should not only be the responsibility of the Minister for Aboriginal Affairs and the Office of Aboriginal Affairs, but all NT Ministers and government agencies.

We seek more coordinated Ministerial and senior departmental leadership that demonstrates commitment to the National Agreement through its incorporation into Cabinet and whole-of-government priorities and processes. The Priority Reforms should guide all government work relating to and affecting Aboriginal people. To date, we have not seen this happening. This shift will require effort and hard work and will only be possible when the highest levels of government implement the Priority Reforms.



APO NT responses to the Productivity Commission's requests for input

Information request 1: effectiveness of policy partnerships

The priority policy partnerships and the NT place-based partnership identified in clauses 38-39 of the National Agreement are in their early stages. Thus, we cannot comment on the capacity of these formal partnerships to effectively implement the National Agreement.

Overview of our challenges with policy partnerships

APO NT leaders and member organisations are involved in a large number of policy and project partnerships with the Commonwealth and NT governments intended to improve outcomes for Aboriginal people in the NT. This includes formal policy partnerships, project-specific and time-limited partnerships, sector specific partnerships and informal policy-officer-level partnerships. We face the following three high-level difficulties in these partnerships.

Firstly, **government does not coordinate the partnerships we are involved in and there is a lack of across-government collaboration.** Our members are involved in a growing number of strategies, action plans, working groups, policy positions, resourcing arrangements and engagement processes that are not connected to each other. For example, AMSANT is engaged in 81 different health related working groups, forums, and advisory bodies with governments. It is impossible for us to meaningfully and consistently engage with these processes. The onus to coordinate the web of government initiatives falls on us, but we are not resourced to do this work. It should be governments' responsibility to coordinate, streamline and consolidate these processes.

Secondly, we are only resourced to effectively participate in a small number of the partnerships that we are currently involved in, and we do not have the capacity to meaningfully participate in all the forums we are invited to. Many of our member organisations are over-stretched with competing pressures to deliver services, and to provide advice and strategic direction to government agencies. The Productivity Commission should recommend that governments develop **a resourcing framework** to support engagements and partnerships with our organisations as part of their commitment to embedding Priority Reform One.

Thirdly, many of the partnerships we are involved in existed before the 2020 National Agreement and are outside the Closing the Gap governance arrangements of the NT Executive Council on Aboriginal Affairs. This high-level forum does not provide accountability or oversight to the array of projects and policies that are intended to improve outcomes for Aboriginal people. The Productivity Commission should **recommend that governance arrangements of the National Agreement include the full scope of work underway** by governments contributing to the implementation of the Priority Reforms.

Evaluation of our existing partnerships with government

At [Appendix A](#), we have prepared a list of examples of policy projects and initiatives in the NT with analysis from our member organisations about whether these projects are effective joint



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partnerships and contributing to productive implementation of the National Agreement. The analysis below draws upon these examples.

Strengths of some of our existing partnerships with governments

We are working with governments in a number of productive partnerships that will contribute to real progress for Aboriginal people in the NT. Elements of these partnerships include:

1. commitments from Ministers and/or government senior leaders to share decision making with us (e.g. NT Homelands Housing and Infrastructure Program negotiations, Central Australian Aboriginal Leadership Group, NT Remote Aboriginal Investment negotiations);
2. a co-design approach from the commencement of the policy project (e.g. development of the *Burial and Cremations Act 2022*, NT Aboriginal Health Forum, NT Remote Aboriginal Investment negotiations, Remote Housing National Partnership Agreement negotiations);
3. respect and value for the unique expertise and experience of our Aboriginal leaders and organisations (e.g. the NT Aboriginal Health Forum, Groote Archipelago Local Decision Making Agreement);
4. willingness by government leaders to work differently, and respect for the processes and expertise of Aboriginal partners (e.g. NT Homelands Housing and Infrastructure Program negotiations, Groote Archipelago Local Decision Making Agreement);
5. government responsiveness to Aboriginal priorities and concerns (e.g. *Burial and Cremations Act 2022* negotiations, NT Homelands Housing and Infrastructure Program negotiations);
6. government awareness of place-based and regional expertise by Aboriginal leaders and organisations in the development of policy solutions (e.g. Central Australian Aboriginal Leadership Group, Groote Archipelago Local Decision Making Agreement);
7. resourcing of our organisations to meaningfully participate and provide expertise (e.g. NT Remote Aboriginal Investment negotiations);
8. clear timelines and commitments to complete a project (e.g. NT Homelands Housing and Infrastructure Program negotiations); and
9. inclusion of and embedding of our leaders and organisations in the entirety of the policy development project, from design, negotiation, implementation and evaluation (NT Remote Aboriginal Investment negotiations).

Sometimes progress in the partnerships above can be slow and difficult and we do not get everything that we seek to achieve. Nonetheless, we see evidence in these partnerships that governments value our expertise and understand that they need to change their way of working to include and embed Aboriginal perspectives to improve policy outcomes on the ground.

Some of these partnerships existed before the National Agreement, while for others the Priority Reforms have contributed to their formation. We would welcome a recommendation from the Productivity Commission to champion, publicise and highlight productive partnerships and reward productive government leadership in line with the Priority Reforms.



Difficulties in some of our existing partnerships with governments

On specific policy projects, we face difficulties that prevent Aboriginal expertise from informing government work. This includes where:

1. government continues to set the agenda for meetings or engagements and shows an unwillingness for Aboriginal people and organisations to inform the development of the work agenda (e.g. the Children and Families Tripartite Forum);
2. meetings with our organisations are arranged by government with short notice, on an ad-hoc basis, with frequently changing times, lack clear agendas or issues for decision (e.g. the NT Food Security Forum);
3. the forum contains no decision-making power and is more a forum for information sharing with our leaders and organisations (e.g. the Children and Families Tripartite Forum, on some issues the NT Aboriginal Health Forum);
4. there is an absence of Ministerial or high-level government commitment, accountability or buy-in to a policy project, which then affects the project's resourcing, timeline and impact (e.g. the 10-Year Generational Strategy for Children, Families and Young People in the NT);
5. it is unclear how or whether the Aboriginal input collated at a meeting or forum feeds into higher-level government decision making (e.g. Director ID reforms, NT Food Security Forum, Youth Justice review);
6. there is insufficient data shared by government to enable our organisations to effectively discuss or contribute to discussions at a forum (e.g. the Children and Families Tripartite Forum);
7. government does not appreciate the profound impact a policy change will have for Aboriginal people, and is not responsive to the feedback our organisations provide (e.g. Director ID reforms, sunseting of the Stronger Futures legislation, NT Government changes to the remote rent framework);
8. an effective shared partnership may be used to inform only a limited and specific set of government decisions, rather than the much broader scope of decisions our organisations seek the forum to be used for (e.g. the NT Aboriginal Health Forum);
9. government engages with our organisations on a superficial level without recognising our expertise, and without demonstrating willingness to adopt a partnership approach (e.g. CDP reform project, income management reform);
10. government develops significant policy reform that will impact almost exclusively Aboriginal people without adopting a partnership or engagement approach with Aboriginal people (e.g. CDP reform, income management reform, sunseting of Stronger Futures legislation); and
11. despite government commitment and legislative requirements to involve Aboriginal people, work agendas are progressed without consultation, engagement or awareness of responsibilities to include Aboriginal people (e.g. development of the NT Parks Joint Management 30 Year Plan, National Water Grid Authority negotiations).

The draft recommendations contained in the Report will productively contribute to addressing many of these concerns we have highlighted above. The development of an independent



mechanism to drive accountability for government transformation could play a critical role. Furthermore, we consider that a public accountability mechanism for government in the NT is necessary to address some of the examples we have outlined here.

Information request 2: shifting service delivery to ACCOs

APO NT has conducted analysis on transitions across a range of sectors at [Appendix B](#). These examples provide the bases of our reflections and recommendations relating to transitions.

We seek a comprehensive, sector-wide approach to transitioning services

In the NT, transitions are happening too slowly and without a coordinated strategy from government. A strategic, whole-of-government and evidence-based approach is missing. The Productivity Commission should recommend the establishment of a responsible government leader or leadership group to be accountable for transitioning services to community control. We provide more information about this in our response to draft recommendation 2 of the Report.

We acknowledge the significant work the NT Government has done as part of its Local Decision Making policy agenda. In some cases, this policy agenda has demonstrated capacity to identify, support and build momentum for effective transitions of services to community control. The best example of this has been with our member organisation, Anindilyakwa Land Council on the Groote Archipelago. We have outlined some of the limitations of the existing Local Decision Making policy framework, and we hope to see this policy framework strengthened and improved following the recent NT Government review.¹

We are aware of significant work underway by the Commonwealth Government Department of Health and Aged Care, which has recently adopted a comprehensive strategy to transitioning services. Following a direction from the Commonwealth Health Minister, this Department has established a national Aboriginal steering committee to oversee a review of all grants and programs inside the Department to determine readiness to:

- (i) transition services or programs immediately to ACCOs;
- (ii) establish joint partnerships with the ACCO sector to prepare for a future transition to ACCO control; and
- (iii) identify opportunities to train departmental staff and build capacity of government to think differently about its approach for working with Aboriginal people and the ACCO sector.

This approach should be adopted by other Commonwealth departments as well as by the NT Government.

Insufficient resourcing for the transition process and ongoing operations

While APO NT advocates for transitioning services to community control, we know that care, support and a deliberate approach is needed to ensure ACCOs and the services they deliver

¹ [Submission-20-Aboriginal-Peak-Organisations-of-the-Northern-Territory.pdf \(nt.gov.au\)](#)



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are set up for success. A major barrier to progress is the low level of funding provided for both the transition process and then the ongoing operations of the service once the transition has occurred.

Aboriginal organisations with capacity to invest in transition support teams are seeing the highest number of successful transitions of services from government control. This work requires considerable resourcing and expertise, which is not possible for all ACCOs. In instances where larger ACCOs go above and beyond the terms of the government contract to ensure the success of a transition, they are setting a precedent that cannot be repeated by smaller organisations.

To support more transitions, we need to see a resourcing strategy that ensures all transitions of services to be accompanied by the funding support to build internal capacity before, during and after the transition.

We seek a coordinated approach to transitions to share tools and support systems

Our experience is that Aboriginal Community Controlled Health Organisations (ACCHOs) often feel unsupported due to what they believe is a lack of evaluation, knowledge sharing and dissemination of supporting tools. Furthermore, there is a need for a standardised approach with tools and support systems that can be shared across each organisation that is transitioning.

Despite many transitions of services occurring now across a range of sectors, there has been no coordinating body to pool the learnings, resources, templates, and approaches developed. Instead, each transition has occurred within a silo, with each new transition needing to 'reinvent the wheel'.

To hasten and improve the transition of services as well as to benefit from the lessons learnt with each transition, we look to the Productivity Commission to recommend greater coordination of transition support. A coordination mechanism could collate research, evidence and evaluations of transitions and also develop and disseminate tools, resources and case studies of successful transitions for future use. We understand the Commonwealth Department of Health and Aged Care already has a work unit dedicated to supporting the transition of services in the health sector, and this initiative should be implemented in other sectors as well as in the NT Government.

Avoid a binary approach to transitioning of services

There is potential to improve the staging of transition processes and support a more nuanced and accommodative approach to transitioning services.

There are two approaches to transitions that fall outside of a binary understanding of successful transition of services. This includes:

- (i) where organisations are seeking to fully transition, but in a staged, iterative way that sets them up for success; and
- (ii) where organisations are seeking to transition power and decision making to some extent, rather than assume full legal and financial control and associated risk for a program.



This nuance is well articulated in the 'Pathways to Community Control' framework, which sets out a staged approach to increasing community power and responsibilities of an ACCO over a period of time.²

APO NT has observed that an assumed binary approach to transitioning services forces many ACCOs and culturally relevant approaches to operate outside of the formal operating system. Rather than being given a legitimate opportunity to participate through partial or staged transitions, these groups remain categorised as 'not ready', which removes the opportunity for them to contribute in a formal way with the sectors they are engaged with.

Government should develop nuance in their approach to transitioning services so that ACCOs are able to stage a transition at the pace that works well for them, or to undertake a partial transition to the extent they are able and willing to.

The importance of community input in the design of service models in transitions

Once a transition has been given the go-ahead, there remains considerable barriers to the successful and ongoing delivery of a service that achieves the best outcomes.

APO NT has observed failed transitions of services where there is a transition of an existing government service delivery model to an ACCO without the opportunity for community co-design and reform of the service.

Even where transitions have succeeded, we have often observed that existing government service delivery models have created challenges in the transition process. Overcoming these challenges as part of the transition has required additional investment of the ACCO's resources, cultural knowledge, cultural governance systems, and has relied upon strong community relationships. None of this additional effort or investment by the ACCO is included or factored into the funding agreements.

For this reason, transitions of services should include the opportunity for ACCOs to re-design alternative approaches for service delivery that enables culturally and contextually appropriate needs to be met. Furthermore, funding to ACCOs taking responsibility for service delivery should factor in this need for ACCOs to re-design the service delivery programs.

Grants processes require considerable reform

The way governments fund services is a barrier to advancing Aboriginal self-determination. This is because:

- funding practices are often fragmented and not culturally safe;
- there is considerable administrative burden in meeting contract and grant compliance requirements;
- reporting is onerous and outputs focused, rather than oriented towards the outcomes and data that matter to Aboriginal communities;
- current processes and practices silo the work of ACCOs; and

² NT Aboriginal Health Forum, "Pathways to Community Control", 2008, p. 12 - 14, http://www.amsant.org.au/wp-content/uploads/2019/12/2009_Final_Pathways-to-Community-Control.pdf



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- time-limited funding allocations challenge the long-term sustainability of ACCOs.

The Victorian Government's Department of Families, Fairness and Housing's Aboriginal Self-Determination and Outcomes Division provides a valuable example of systems-change reform taking responsibility for the administrative burden government places on ACCOs that deliver services. There should be this flexibility of approach adopted in the NT context.

Furthermore, there should be a centralised grants hub to streamline ACCO compliance and reporting obligations. Our member organisations interact with a seemingly fragmented and uncoordinated array of grants officers and grant processes from a large number of Commonwealth and NT Government agencies. This has a high administrative burden and diverts our resources away from delivering quality services in our communities.

As part of fulfilling their commitment to transitioning services, we seek greater government flexibility around and coordination of grants processes to enable our organisations and ACCOs to more effectively engage with their obligations and meet the needs of their communities.

Information request 3: Transformation of government organisations

A critical transformation we are seeking from the Commonwealth and NT governments is **the employment of more Aboriginal people in government** organisations in the NT. We acknowledge the Aboriginal Employment strategy of the NT Government, which has seen an increase in Aboriginal employment across the public service sector in recent years from 8.7% in 2014 to 10.9% in 2022, and from 3.2% in 2015 to 4.7% in 2022 at senior and executive levels. This proportion of Aboriginal employees in the NT Government is still well below the proportion of Aboriginal people in the general population of the NT, which is over 30% overall and close to half of the youth population. While APO NT supports the draft recommendation 3 in the Report, which proposes to create accountability for the cultural capability of senior executives in government as part of their performance reviews, we consider the higher priority should be employing Aboriginal people into senior executive positions so that they can provide appropriate program and policy advice in the NT's cross-cultural context.

A positive example of efforts by the NT Government to reduce institutionalised racism is the **First Circles Leadership Program**, which annually selects emerging leaders in remote communities and provides advocacy training and workshops over a number of months culminating in presentations by each individual to the NT Cabinet. This program is continuing to build capacity and elevate the voices of Aboriginal leaders in remote communities. We note that the development of the First Circles program pre-dated the National Agreement. The Program could be improved through linking to the NT Government Aboriginal Employment Strategy, and an ongoing investment and connection to the individuals following the completion of the year-long program.

Information request 4: indigenous data sovereignty and Priority Reform 4

Indigenous data sovereignty should be the explicit objective of Priority Reform 4 and be clear that data sovereignty means being able to tell our stories our way using data. The current



description of Priority Reform 4 does not articulate the huge transformation governments need to make.

If Indigenous data sovereignty were the explicit objective, governments would need to think about data differently and value Aboriginal people's experiences and knowledge. The asymmetrical access and control of data continues to prevent our organisations from being able to meaningfully engage in discussions about our own people.

As an example, the data collected in Outcome 4 – Developmental readiness for children to start pre-school – lacks input from the broader family and community as to their observations on the development of the child. It also misses children who are either not attending school, or who are attending sporadically. There also does not exist a mechanism to guarantee input and decision making from Aboriginal educators in this process. This means the story of only 16.4% of Aboriginal children in the NT being developmentally on track to start pre-school is preferencing non-Aboriginal voices in the collection of data.

We consider that draft recommendations 1, 2 and 4 contained within the Report would be valuable to progressing this commitment.

We acknowledge that the most recent Implementation Plan contains an action for APO NT to progress the development of data in the NT context to support the National Agreement. This Implementation Plan and the associated resourcing negotiations have not yet been finalised.

Draft recommendation 1: Appointing an organisation to lead data development under the National Agreement

APO NT supports this recommendation.

The authority and independence of this entity is important. The entity would need authority to ensure that governments commit to changing the way they approach data.

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

To be most effective, this organisation would need to have the authority to request and receive existing data from government, as well as working with government and Aboriginal people and organisations to develop new data sources. This authority to request and receive data from government may need to be enabled through legislation.

We highlight the work of one of our member organisations, Anindilyakwa Land Council (ALC) who, at the request of their Traditional Owners, established their own internal data unit following a comprehensive community profile developed in partnership with the Australian National University in 2022. The ALC's data unit will measure local demographic, social and economic outcomes on an ongoing basis to equip its Board and Traditional Owners with an information tool capable of supporting best practice and evidence-based local decision making. As a critical function supporting the ALC's strategic vision, this data unit is working with both governments and local Aboriginal organisations to develop long term data sharing



arrangements and provide employment opportunities for Anindilyakwa people. The ALC's data unit has some valuable insights which could assist in the development of strong place-based and community-led data sharing initiatives under the National Agreement.

Information request 8: Quality of implementation plans and annual reports

APO NT supports the creation of an external group to assess the adherence of implementation plans and annual reports to the criteria outlined in clauses 108 and 118 of the National Agreement to drive accountability.

To improve the quality of implementation plans there needs to be an **attitude shift within the NT Government, to understand that implementing the Priority Reforms is the responsibility of all departments, not just the responsibility of our partners at the Office of Aboriginal Affairs**. Shifting this perception requires deliberate and sustained leadership from NT Cabinet and the CEOs of all NT Government agencies. This shift would also be assisted by embedding progress against the Priority Reforms into the performance reviews of senior executives as per draft recommendation 3 in the Report.

We need a strategic, whole of government and evidence-based approach to develop Implementation Plans, with the right people at the table to negotiate them. Our experience is that government actions proposed for inclusion in implementation plans often outline work that is already underway, rather than working in partnership with Aboriginal people and organisations to develop new actions that will see meaningful change in alignment with the Priority Reforms. Even where valuable commitments are made by government in the Implementation Plans, we are finding that **we are not able to hold governments to account on these commitments**.

The ineffectiveness of the Implementation Plans does not reflect a lack of commitment, expertise or effort by our colleagues in the Office of Aboriginal Affairs, who are working in partnership with us to develop these plans. However, their work with us is often not representative of other government agencies and leaders.

One problem is that many of the highest priority actions we suggest for the Implementation Plans are not supported by relevant agencies and are not progressed for inclusion in the Plans. We have then not had the opportunity to engage directly with these agencies to understand the reasons these actions have been disregarded, or to propose alternative options in good faith negotiations.

A second problem is that even where our proposed actions are agreed to and included in the Implementation Plans, these commitments are not made with reference to or in alignment with budget processes to ensure there is resourcing for them to be achieved.

Information request 9: Independent Mechanism in the broader landscape

The Independent Mechanism should have a broader role, driving accountability across all of the Priority Reforms. Creating public accountability for implementing the National Agreement at the highest levels of government is critical.



APO NT proposes the Independent Mechanism should hold an annual public panel in each state and territory to ask questions and hear directly from government leaders. In the NT, the Independent Mechanism should meet with a panel including the Chief Minister and the members of the NT Executive Council on Aboriginal Affairs to ask questions about progress against the National Agreement. This public panel should be designed to create a level of accountability against all four of the Priority Reforms, and responsibility for embedding these reforms upon the highest level of government in the NT.

The Independent Mechanism should also produce a public scorecard of each state and territory government's progress towards embedding the Priority Reforms. This scorecard should rate the cultural capability of each state and territory's public service and the progress of each government agency to embed the Priority Reforms in their workstreams. This scorecard would need to be prepared according to agreed criteria designed in partnership with Aboriginal people and organisations. It should be released at the same time as the annual data releases by the Productivity Commission against the socio-economic targets.

Draft recommendation 2: Designating a senior leader or leadership group to drive jurisdiction-wide change

APO NT supports this recommendation.

The Chief Minister is the appropriate Minister and the Chief Executive of the Department of Chief Minister and Cabinet (CMC) is the appropriate public servant to drive jurisdiction-wide change. The CMC Chief Executive chairs the meeting of all department chief executives. This is the appropriate forum for developing and communicating a coordinated strategy for all agencies to embed the Priority Reforms.

We support senior leaders within government being designated as champions of each Priority Reform, both at the political and public service level. Four different Ministers in NT Parliament should each have responsibility for coordinating efforts across government on each of the Priority Reforms. Inside the public service, the four champions should be at Executive Director level, responsible for overseeing and driving the implementation of each of the four Priority Reforms and reporting on their progress to the identified responsible Minister. These Executive Director level champions should come from a range of different departments to promote communication and collaboration between departments.

Information request 10: senior leader or leadership group to drive change in the public sector

To generate responsibility, the senior leader or leadership group should be responsible for publicly reporting on progress against the National Agreement.

The leader and leadership group could drive accountability through ensuring appropriate resourcing and staffing allocation for this work to produce quality coordination and progress towards the commitments.



The leadership group should report to the Independent Mechanism on the cultural capability of each state and territory's public service and progress of each government agency to embed the Priority Reforms in their workstreams.

Draft recommendation 3: Embed responsibility for improving cultural capability and relationships with Aboriginal and Torres Strait Islander people into public sector employment requirements

APO NT supports this recommendation.

We agree that mainstream annual performance reviews of senior departmental executives in the NT Government should include a component about cultural capability. These annual performance reviews would need to seek input from the national Independent Mechanism as well as from NT-based Aboriginal leaders engaging regularly with the senior departmental executive under review. To be effective at driving change, the determination on cultural capability would need to carry weight in the overall assessment of the executive's annual performance review and their future employment.

Additionally, APO NT recommends that an annual 360-degree feedback process become a component of evaluating this cultural capability requirement of senior executives as part of their employment requirements.

Furthermore, APO NT recommends this assessment should consider not only the cultural capability of senior executives, but also the extent to which the executive is embedding the Priority Reforms across their work agenda. For example, the approach taken by senior executives negotiating with Aboriginal partners to develop actions for Implementation Plans should be considered as part of the assessment for the senior executive's employment requirements.

Draft recommendation 4: Central agencies leading changes to Cabinet, Budget, funding and contracting processes

APO NT supports this recommendation.

The specific leader or leadership group responsible for embedding the National Agreement, identified in the Productivity Commission's draft recommendation 2, would need to have appropriate seniority to meaningfully lead this set of changes to Cabinet, Budget and contracting processes in central agencies.

Draft recommendation 5: include a statement on Closing the Gap in government agencies' annual reports

APO NT supports this recommendation.

Furthermore, APO NT recommends that Commonwealth and NT treasuries establish an Aboriginal Budget Statement as part of the package of budget documents prepared annually. Specifically, we are seeking:



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- i. For a new Aboriginal Budget Statement that: sets out the proportion of total government spending that is allocated for Aboriginal people across all sectors; identifies how this government spending for Aboriginal people is then flowing to Aboriginal people, organisations and businesses as well as to government agencies, Non-Government Organisations and non-Aboriginal businesses; and outlining any new investments into Aboriginal affairs in the current budget.
- ii. For a senior leadership group (from the NT public service, this could be the NT Government's CEO coordination committee) to present this budget statement to Aboriginal leaders following the release of the budget documents, and provide the opportunity for Aboriginal leaders to ask questions to support a comprehensive understanding of this budget statement.

Draft recommendation 6: publish all the documents developed under the Agreement

APO NT supports this recommendation.



Appendix A: our analysis of policy partnerships and projects with government

The following table sets out a number of policy projects and initiatives currently underway or recently finalised in the Northern Territory led by the NT Government, the Commonwealth Government or both governments, and represent our priorities and those of our member organisations. For each of the policy projects and initiatives listed below, we have provided information about whether a partnership approach is in place, whether this partnership is effective at progressing the implementation of the National Agreement, and we have also offered some observations about our experiences engaging with government in these processes.

Example of policy project or initiative	Is there a partnership in place?	Is this partnership effective?	Our observations and experiences
NT Remote Aboriginal Investment negotiations	✓	✓	We welcome the End of Term Review of the last agreement recommending Aboriginal involvement in the future agreement, and the resourcing of our organisation and position of APO NT as a third equal member in negotiations with government on the future agreement. We welcome the commitment by Ministers that the future agreement will be a tripartite agreement with APO NT included for the entirety of its design, implementation and evaluation.
NT Remote Housing National Partnership negotiations	✓	?	We are pleased to be at the table with the Commonwealth and Territory Governments overseeing the implementation of the current National Partnership Agreement on Remote Housing in the NT through the Joint Steering Committee. It is too early to know how APO NT's role in these negotiations will affect decision-making on remote housing.
NT Children and Families Tripartite Forum (TPF)	✓	✗	While the TPF has strong community sector representation and senior members from governments, it currently falls short of driving the meaningful reform intended through the Royal Commission into the Protection and Detention of Children in the NT. In its current form the TPF is an information sharing session, without decision making power, where governments set the agenda. While there are existing government commitments to improve accountability, promote Aboriginal self-determination and leadership and transfer statutory authority for child protection services to



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Example of policy project or initiative	Is there a partnership in place?	Is this partnership effective?	Our observations and experiences
			Aboriginal Community Control, the coordinated strategy and resourcing to deliver on this commitment is absent.
Homelands Housing and Infrastructure Program (HHIP) negotiations to allocate the \$100 million Commonwealth investment	✓	✓	<p>The willingness of the NT Government Department of Territory Families' team to share decision-making with Aboriginal organisations (AHNT and the land councils) demonstrated a respect for and responsiveness to the expertise and priorities of Aboriginal people and the organisations that represent them.</p> <p>While the negotiations were not an easy process, with many lessons learned, it represented a substantial shift in government's usual way of doing business, which we very much welcomed.</p>
Central Australia Plan Aboriginal Leadership Group advising government about new investment to Central Australia	✓	✓	The formation of this backbone group of region-specific Aboriginal leaders to advise governments about the new investment into Central Australia demonstrated respect for and value of the role of our organisations and leaders in decision making in the Central Australian region. The selection of the organisations on this group also demonstrated a respect for place-based decision making and the importance of a regional perspective.
Joint Management of NT Parks	✓	✘	Joint management of NT parks and reserves is an example of an area where a legislated partnership has been in place for many years, but where substantial work is required to improve its effectiveness. Under the <i>Territory Parks and Wildlife Conservation Act 1976</i> (TPWC Act), traditional owners are equal partners with the NT Government in the joint management of 33 of the 85 NT parks and reserves. There remains strong support for and pride in the joint management



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Example of policy project or initiative	Is there a partnership in place?	Is this partnership effective?	Our observations and experiences
			<p>arrangements amongst traditional owners, however chronic under-resourcing and deficiencies in ways of working at the operational and senior governance levels are limiting the potential for joint management to contribute to the health of country, strength of culture, and economic opportunities for Aboriginal people on their land. Regular review of joint management arrangements, as well as information-sharing standards and shared decision-making processes between the partners would strengthen accountability with the existing partnership arrangements.</p> <p>Of recent concern is the NT Government's recent release of the 30 year NT Parks Masterplan. The Plan, which seeks to guide the long-term management of the Territory's parks and reserves, was developed without adequate engagement with traditional owners. This contradicted the NT Government's stated commitment to embedding the priority reforms under the Closing the Gap Agreement as well as its legislated commitment to equal partnership with the traditional owners on the 33 identified parks and reserves contained within the TPWC Act. Furthermore, this represented a missed opportunity for the NT Government to ensure their 30 year plan can be informed by the experience, expertise and wisdom of the people who know their country best.</p>
<p>Development of the NT Government's <i>Burial and Cremation Act 2022</i></p>	<p>✓</p>	<p>✓</p>	<p>The co-design approach taken by government working with our land councils on the development of this bill ensured that the bill reflected the unique rights and traditions of Aboriginal people in the NT, and that the bill was passed smoothly through parliament with our support and endorsement. This legislation is now amongst the strongest in recognising Aboriginal rights in the NT. Our member organisations are seeking more collaborations on legislative projects like this to ensure that legislation appropriately reflects Aboriginal culture, rights and perspectives. We point to the quick and supportive environment in which the <i>Burial and Cremations Act 2022</i> was passed through Parliament to demonstrate the benefits for government of working with our organisations to develop legislation in this way.</p>



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Example of policy project or initiative	Is there a partnership in place?	Is this partnership effective?	Our observations and experiences
NT Aboriginal Health Forum	✓	✓ / ✗	This longstanding partnership continues to work together to effectively oversee transitions of health services to Aboriginal Community Control in remote areas. However, while the forum has been in place for many years, it is not yet being recognised or used for a broader range of health related decisions in the way our members are seeking. We consider this forum should be a formal decision-making body that NT and Commonwealth Governments automatically go to for advice and input on key areas, initiatives, implementation plans relating to Aboriginal people <i>before</i> decisions are made in the health sector.
Groote Archipelago Local Decision Making Agreement	✓	✓	On 14 November 2018, the ALC and NT Government entered into the Groote Archipelago Local Decision Making Agreement. This has provided a platform for the Anindilyakwa people to transition agreed service delivery areas to community control. It has also allowed greater community decision making and improved relationships and cooperation with the NT Government. The Local Decision Making Agreement identified short, medium and long-term priorities over a 9-year period for transition to regional and local control, and sets out the timeframes and processes to settle detailed implementation plans for each service transition. Implementation plans have so far been agreed in respect of housing, economic development, law, justice and rehabilitation, education, health and wellbeing, and local government. There is real progress in each area contributing to improved outcomes for Anindilyakwa people.
NT Food Security Forum	✓	✗	The NT Food Security Forum brings together experts from across the ACCO sector including from our member organisations. While we consider this Forum has the right people from the Aboriginal sector at the table, our concern is that this Forum does not have a clear pathway for its advice and recommendations to flow into high-level government decision making. The meetings are also ad-hoc, the agendas are government led and often organised at short notice.



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Example of policy project or initiative	Is there a partnership in place?	Is this partnership effective?	Our observations and experiences
Commonwealth and NT Government Bilateral Agreement on School funding	x	x	<p>We are aware of the Commonwealth O'Brien review of Australian education currently underway and due to report to Education Ministers on 31 October 2020. We understand this review will consider First Nations students and students from low socio-economic backgrounds.</p> <p>We understand the bilateral agreement sitting under the National School Reform Agreement regarding Commonwealth funding to the NT for schools is due to be negotiated in the near future. We are not aware of any strategy by either the Commonwealth or NT Government to engage with our organisations on this work.</p> <p>We welcome the NT Government's investment in APO NT to establish an Aboriginal Education peak body, and we hope to see a government strategy to engage the expertise of this group in the development of the future bilateral agreement for schools funding in the NT.</p>
Commonwealth Government Community Development Program (CDP) reform project	x	x	<p>We have been disappointed by the absence of meaningful engagement by the Commonwealth with Aboriginal Community-Controlled services in relation to CDP reform. The National Indigenous Australian Agency's leadership of the reform process has fallen short of the collaborative approach we would have expected for a program of this scale and with such impact for remote Aboriginal communities. APO NT has done considerable work over many years building an alliance that crosses interstate borders beyond APO NT's members including CDP providers, local councils and others to articulate a better approach to remote employment and community development, captured in our <i>Fair Work and Strong Communities</i> proposal. In the coming months, we will seek to work with NIAA to recommend appropriate Aboriginal guidance to oversee this reform project.</p>
Commonwealth Government's National Water Grid Authority	x	x	<p>This Commonwealth funding was announced as a commitment towards improving life outcomes for Aboriginal communities as part of the Closing the Gap Implementation Plan, and has considerable implications for our Central Australian Aboriginal communities where water scarcity and quality issues persist. Despite the clear intent of this funding and its placement in the Closing the Gap</p>



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Example of policy project or initiative	Is there a partnership in place?	Is this partnership effective?	Our observations and experiences
			<p>governance framework, the NT Government did not consult with land councils or any Aboriginal organisations to inform their initial proposals to the fund.</p> <p>The limited engagement with us by the NT Government has fallen well-short of the Priority Reform commitments. The land councils are now in discussions with the NT Government to address these shortcomings. We are seeking an appropriately resourced mechanism for meaningful input moving forward.</p>
<p>Stronger Futures legislation regarding alcohol rules in the Northern Territory</p>	<p>✘ / ✔</p>	<p>?</p>	<p>The expiration of the sunset clause on the Stronger Futures legislation and the failure of governments to partner with us, or heed the warnings of Aboriginal organisations, members and community leaders, has resulted in significant alcohol related harms for our communities. Our member organisation AMSANT has very recently welcomed the establishment of the Aboriginal Community Alcohol Responses Committee (ACARAC), which sits under the NT Aboriginal Health Forum, and presents an opportunity to co-design an approach to investing in our communities to minimise alcohol related harm. However, it is unfortunate that this partnership approach was not adopted sooner.</p>
<p>NT Government changes to the Remote Rent Framework</p>	<p>✘</p>	<p>✘</p>	<p>We have found that our expertise and insights have not been heard and the NT Government has not meaningfully engaged with our calls to halt the implementation of the new Remote Rent Framework, which has significantly increased rental charges in remote communities, and increased the levels of homelessness in some of our most disadvantaged and vulnerable communities.</p>
<p>Implementation of the Royal Commission into the Protection and</p>	<p>✘</p>	<p>✘</p>	<p>APO NT continues to call for the implementation of the recommendations of the Royal Commission into the Protection and Detention of Children in the NT, the vast majority of which remain unimplemented. Against all the evidence and contrary to earlier commitments, the NT Government passed amendments to the Youth Justice Act in 2020, which amongst other things, removed the</p>



Example of policy project or initiative	Is there a partnership in place?	Is this partnership effective?	Our observations and experiences
Detention of Children in the NT			<p>presumption of bail for first-time offenders. This ‘zero-tolerance’ approach to youth offending has resulted in more young people being denied access to diversion, refused bail, and remanded in detention centres, and failed to prevent reoffending. This law has a disproportionate impact on young Aboriginal people in the Northern Territory. While the Royal Commission was a very thorough piece of work bringing accountability to the Government at the time it was published, there is no mechanism to hold governments to account on implementing the recommendations or honouring commitments.</p> <p>A partnership approach to continue work implementing these recommendations would be welcomed.</p>
Treasury Laws Amendment (Registries modernisation and other measures) Act 2022, requiring Director identification Numbers (DINs) for board directors	x	x	<p>APO NT’s Aboriginal Governance and Management Program has been advocating on behalf of Aboriginal boards about the negative impact these changes would have for remote communities. Despite very responsive engagement from the newly formed Australian Business Registry Service as the legislation enters implementation phase, we have not yet seen any meaningful response to the legislative changes we are requesting, which would have been identified earlier should the ATO conducted thorough consultation or sought partnerships earlier in the legislative reform process.</p>



Appendix B: Transitions to Aboriginal Community Control in the NT

The following table sets out service delivery sectors in the NT along with our observations about the progress of transitions to Aboriginal community control in these sectors.

Service sectors	Our observations about the progress of transitions in these sectors
Health	<p>There are 22 Aboriginal health clinics operating health services in the Northern Territory. We are continuing to see examples of successful transitions from NT Government control to AMSANT's member organisations. Central Australian Aboriginal Congress provides the strongest example of successful recent transitions of health services to community control.</p> <p>However, we are concerned that these successful transitions are happening too slowly and without a coordinated strategy from government. Lessons learnt from each successful transition are not being carried forwards to assist in the transition of future health services.</p> <p>We are concerned that resourcing for transitions is not a guarantee. Our Aboriginal health services that have the capacity to invest in transition support teams are seeing the most successful transitions, however this work requires considerable resourcing and expertise, which is not possible for all of our Aboriginal health services.</p> <p>We are concerned about the considerable administrative burden for AMSANT and its member organisations in meeting contract and grant reporting requirements. AMSANT is advocating for a centralised grants hub to streamline its obligations and reporting obligations, which it is currently maintaining with a seemingly fragmented and uncoordinated array of grants officers from a large number of Commonwealth and NT Government agencies.</p>
Education	<p>Transferring the administration and ongoing development of the <i>Learning on Country</i> program from the NT Department of Education to the Northern Land Council (NLC) five years ago is a successful example of an initiative transitioning from NT Government to Aboriginal control. Under the NLC's management, the program has grown with 6 new sites added to the existing 9 at the time of the transfer. The Aboriginal governance and ownership of the program has been strengthened through the all-Indigenous program Steering Committee and the engagement and involvement of local Aboriginal rangers, traditional owners, cultural advisers, and community Elders in each community program committee. This governance approach and local ownership</p>



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has resulted in strong community support for and value in the Learning on Country program. It is delivering both mainstream and traditional education outcomes that lead to better employment pathways. Through the program, young people develop stronger cultural connections to country and their culture through this important and successful Commonwealth and NT Government partnership with the NLC that clearly contributed to Closing the Gap priorities.

APO NT has also seen a number of Aboriginal homeland areas take responsibility for service delivery in education. This is part of a recent trend towards independent, Aboriginal community-controlled education institutions funded via the Commonwealth Government and other avenues such as philanthropy. Some examples include: Nawarddeken Academy, Maningrida Homelands School Company and Pertame Language Centre. This shift has not been accompanied by support from the NT Government to transition the schools to Aboriginal community control. This is an example of where a lack of opportunity for service re-design has forced Aboriginal community-controlled groups and culturally relevant approaches to develop a new model and operate outside of the formal system in order to meet the needs of their communities. For further examples of Aboriginal Community Controlled initiatives such as these, see APO NT's recent submission to the NTG Secondary Review Discussion Paper.¹

One best practice example from South Australia is drawn from the *Empowered Communities (EC)* Joint Decision Making model. It occurred just across the NT border in remote Anangu Pitjantjatjara Yankunytjatjara (APY) Lands of SA. It provides a clear example of both how transitions could be identified and supported, as well as key conditions for success. NPY Empowered Communities Kulintja Kutju (one vision) Group is made up of senior and emerging Anangu leaders who come together to review ceasing government grants and provide recommendations for reinvestment in the NPY region. The Group has developed tools to assess programs against Anangu-defined priorities and measures of need, impact and success. The results and recommendations of the Group are provided to the relevant government departments who are committed to adhering to their advice in decisions to cease, renew or reallocate the funding accordingly.

Following recommendations of the Kulintja Kutju Group in regards to provision of the Remote School Attendance Strategy in the APY Lands, this grant was transitioned from a non-local, non-Aboriginal service provider to a local, Aboriginal community controlled organisation. This recommendation was supported by the NIAA – the funding body, and resourcing (via funding) and support needs (via consultants and support services) were collectively identified and sourced to ensure the ACCO could be well

¹ <https://apont.org.au/submissions/>.



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	<p>supported through this process. This resourcing and a staged commitment over multiple years allowed the ACCO to build up their capacity to receive and deliver the grant and be supported to succeed in the delivery of the service.</p>
<p>Workforce development</p>	<p>The Commonwealth’s Community Development Program (CDP) is an example of where the transfer of an existing service delivery model to an Aboriginal community controlled organisation has not worked well. We consider this to be because the existing CDP program lacks an opportunity for ACCOs to design the program in a way that will work in their community. In the instances where ACCOs have succeeded in delivering the CDP service effectively, this has required considerable investment and risk by that organisation. For example, ACCOs that have succeeded in operating CDP well in the NT have needed to make significant additional investments of resources, cultural knowledge and governance, and have relied on strong community relationships. This additional work has not been factored into the funding agreements.</p> <p>The Australian Government has not yet followed through on its stated commitment to replace the existing CDP program with a program “designed in partnership with First Nations people”. Consultation on the design of the proposed new program has overwhelmingly focused on existing CDP providers, many of whom are not Aboriginal originations. The absence of formal Aboriginal-led governance arrangements to oversee this reform is contrary to the government’s commitments contained in Priority Reform 1 of the National Agreement.</p> <p>APO NT’s remote jobs policy submission <i>Fair Work Strong Communities</i> provides significant detail regarding the program and funding reforms that the community-controlled sector would like to see as part of the reform project.</p>
<p>Women’s spaces</p>	<p>According to data recently provided by NTG through a data-sharing agreement, safehouses with the highest attendance and most effective outcomes are those that are outsourced to non-government organisations, with NT Government-operated safehouses receiving far less attendances or engagement. However, despite this, ACCOs face far greater operational burdens than their government counterparts when trying to establish the services.</p> <p>On Elcho Island, an Aboriginal community controlled Safe House has recently been transferred to community control. However, in the process of getting necessary infrastructure built to ensure women can access safe accommodation, they have struggled to get effective government support. While the NT Department of Territory Families was responsible for providing a space suitable for the Safe House to operate, the ACCO has been unable to have the space deemed suitable for crisis accommodation, and</p>



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	<p>therefore could not open its doors to those in need. While APO NT welcomes the NTG's support for the ACCO controlled service, a lack of checks and balances by NTG to ensure effective infrastructure development at the site has limited the success of the program.</p>
Economic development	<p>In the coordination of Aboriginal economic development, we welcome the transition of responsibility by the NT Government for delivering the annual Aboriginal Economic Development Forum to one of our member organisations: NTIBN. The NT Government has provided seed funding for NTIBN to deliver this forum, and NTIBN has additionally sourced considerable alternate funding and sponsorship from a range of other sources to ensure it is able to effectively deliver this forum. NTIBN seeks to use this opportunity to make meaningful progress on leading, coordinating and driving the growth of Aboriginal businesses in the Northern Territory.</p>
Disability services	<p>In disability services, we welcome the recent Disability Royal Commission Final Report recommendation 9.5, which called for the National Disability Insurance Agency to provide block funding for First Nations Community Controlled Organisations to flexibly deliver supports and services to First Nations people with disabilities. This recognises the need for a customised, rather than nationally standardised approach to funding to ensure ACCOs are set up for success, and appropriate services are delivered to some of the most vulnerable people in the country.</p>