



## Submission: Review of the National Agreement on Closing the Gap - Draft Report

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**AN-TAR is proud to acknowledge and pay our respects to First Nations Peoples as the traditional owners of the lands on which we work across the continent.**

### About AN-TAR

**AN-TAR is a national advocacy organisation working for Justice, Rights and Respect for Australia's First Nations Peoples. We do this primarily through campaigns, advocacy, and lobbying.**

AN-TAR is working to mobilise Australians to vote YES at the referendum for a First Nations Voice to Parliament enshrined in the Constitution, and for this to be complemented with a Makarrata Commission to drive agreement making and truth-telling processes across Australia.

We also engage in national advocacy across various policy and social justice issues affecting Aboriginal and Torres Strait Islander communities, including cultural heritage protection; justice reinvestment, over-incarceration and raising the age of criminal responsibility; anti-racism campaigns, native title and land rights, and closing the life equality gap.

AN-TAR is a foundational member of both the Close the Gap Campaign and Change the Record Campaign Steering Committee, and an organisational and executive committee member of Just Reinvest NSW. AN-TAR has been working with Aboriginal and Torres Strait Islander communities, organisations and leaders on rights and reconciliation issues since 1997. AN-TAR is a non-government, not-for-profit, independently funded and community-based organisation.

## Introduction

Thank you for the opportunity to provide commentary on the Productivity Commission's Review of the National Agreement on Closing the Gap Draft report.

We note that the Productivity Commission's draft report overwhelmingly shows that progress on the key targets for improving life outcomes for First Nations peoples is falling short of envisaged expectations, with limited accountability for this failure and a lack of an overall strategic approach to deliver systemic transformation of government organisations. ANTAR commends the Productivity Commission on this frank and honest assessment of the (lack of) progress so far and the very real risk of the Closing the Gap Agreement becoming just another broken promise to Aboriginal and Torres Strait Islander peoples.

ANTAR believes this 'business-as-usual' approach to implementing policies and programs that affect the lives of Aboriginal and Torres Strait Islander peoples - after two decades of policies and reports aimed at addressing and closing the gap - is evidence not only of the failure of governments to fully grasp the scale of change required to deliver the meaningful structural changes they have committed to, but also reflects the overall lack of political will to implement this transformative change.

With some exceptions - and despite the shifting landscape noted by the Commission that includes the upcoming referendum for the Voice to Parliament as well as truth-telling and treaty processes underway in some States - the Government gives every indication of being satisfied with the status quo.

The enduring gap between First Nations and non-Indigenous Australians is grounded in colonialism. It is ANTAR's position that until governments fully grasp the extent to which their systems, policies and ways of working are still deeply embedded in and informed by the settler colonial paradigm - and until

true 'nation to nation' power-sharing with Aboriginal and Torres Strait Islander peoples is built into the architecture of our governance systems - true transformative change will be elusive.

As the National Native Title Council (NNTC) claim in their submission to the Commission's review, the demonstrable failure in achieving the targets set out in the Agreement is due to a fundamental power imbalance and the inability of Government to transfer meaningful decision making to Aboriginal and Torres Strait Islander communities.<sup>1</sup>

ANTAR fully endorses and supports the submission of the Close the Gap Campaign, of which we have been a foundational member, as the preeminent coalition of First Nations and mainstream health and advocacy bodies in Australia with expert knowledge of the issues and solutions for health equality. We will provide extra commentary on the relevant information requests below.

## **Support for Draft Recommendations**

ANTAR supports the Productivity Commission's six draft recommendations and believes they offer a logical path forward. It is our view that whether they will be effective or not depends less on the specific content in the recommendations themselves and more on the extent to which governments are truly committed to undergoing this transformative work, as well as the extent to which robust measures are in place to hold governments accountable if and when they do not honour their commitments.

ANTAR notes that the Commission has found that the transformation of government organisations, called for in Priority Reform Three, has barely begun. It is worth noting that the kind of systemic and structural change called for in transforming government organisations must be both top-down and bottom-up, and may not necessarily produce tangible and measurable results in the short-term.

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<sup>1</sup> [National Native Title Council \(NNTC\) Submission 35](#), Review of the National Agreement on Closing the Gap Draft Report, (23 August 2023): 2.

Research on the role of evaluation in developing better First Nations policies shows that less tangible, process-oriented outcomes in complex initiatives (such as the targets proposed in the Closing the Gap Agreement) can still build capacity for change and establish a social context for long-term success.<sup>2</sup>

We make this point not to let governments off the hook for their failures, but to acknowledge that the evaluation methodologies undertaken by the chosen organisation in Draft Recommendation 1, particularly with respect to the performance monitoring approach taken with Priority Reform Three, must be sensitive to this fact, and to the long-term and at times less tangible nature of the changes required. The Commission might also reference its own Indigenous Evaluation Strategy.

## Information Request 1

### Effectiveness of policy partnerships

As the Commission's draft report states, policy and place-based partnerships are the key mechanism used in the Closing the Gap Agreement to ensure decision-making authority is shared with Aboriginal and Torres Strait Islander people and their governance structures (Priority Reform 1).<sup>3</sup>

ANTAR echoes the Commission's findings that government agencies tend to focus on consultation (i.e. low levels of participation) with Aboriginal and Torres Strait Islander peoples on predetermined solutions as opposed to meaningful collaboration on defining the problems and co-designing solutions. It is too often the case that governments have decided in advance what the problems are without allowing for sufficient time, space and culturally safe processes necessary to bring Aboriginal and Torres Strait Islander peoples' perspectives

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<sup>2</sup> Frances Abele, "[Is evaluation a tool for social justice? Reconciliation? Control?: Reflections on the Canadian experience in Indigenous affairs](#)" in Better Indigenous Policies: The Role of Evaluation. Roundtable Proceedings. Canberra: Australian Government. *Productivity Commission*, 2013. Presented at Policy Roundtable: Lessons to be learnt — how evaluation can lead to better Indigenous policies Canberra 22-23 October 2012.

<sup>3</sup> [Draft report - Review of the National Agreement on Closing the Gap Agreement](#), *Productivity Commission* (2023): 3.

to the table from the very beginning. It also appears that government agencies are hoping to ‘shortcut’ the development of long-term relationships of trust, respect and honesty that are a precondition to meaningful collaboration, co-design and power-sharing.

Policy partnerships cannot simply function as forums for discussion with little if any authority for shared decision-making on significant policy matters.

Engagement must instead be based on First Nations aspirations and priorities, within culturally relevant frameworks, processes, contexts and time frames; that is, it must be an Aboriginal and Torres Strait Islander-driven process with government as facilitator/enabler within a framework of First Nations self-determination.<sup>4</sup> We note that a countless number of research publications and reports have been produced with similar findings, and that the lack of progress on robust engagement and shared decision-making that respects First Nations self-determination is a failure of implementation and will, not due to a lack of ‘know how’.

Research on factors that support First Nations involvement in multi-actor collaborations in the Great Lakes region of North America suggests six characteristics influenced First Nations’ willingness to remain engaged:<sup>5</sup>

1. respect for Indigenous knowledges;
2. control of knowledge mobilisation (including data sovereignty);
3. intergenerational involvement;
4. Self-determination;
5. continuous cross-cultural education; and
6. early involvement.

Though this research took place in a different cultural and geographical context, ANTAR believes these are fundamental principles that can and should be adhered to by governments in approaching shared decision-making and

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<sup>4</sup> Janet Hunt, [‘Engaging with Indigenous Australia— exploring the conditions for effective relationships with Aboriginal and Torres Strait Islander communities’](#) Issues paper no. 5 produced for the Closing the Gap Clearinghouse, *Australian Institute of Health and Welfare* (October 2013): 2.

<sup>5</sup> Reo, Nicholas J.; Whyte, Kyle P.; McGregor, Deborah; Smith, MA (Peggy); and Jenkins, James F., ‘Factors that support Indigenous involvement in multi-actor environmental stewardship’ (2017).

policy partnerships under the Closing the Gap Agreement. Any meaningful policy partnership must recognise and respect First Nations bodies as self-determining groups with governance and knowledge systems that pre-date current settler colonial structures and ways of working. As the draft report itself states, governments need to trust that by relinquishing some control they are contributing to better outcomes for Aboriginal and Torres Strait Islander peoples.<sup>6</sup>

In terms of the processes used to assess whether policy partnerships are working and whether shared decision-making has been achieved, Aboriginal and Torres Strait Islander partners must participate - if not lead - these assessments. As recommended by the United Nations when applying the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), incorporating First Nations norms and cultural practices should be the standard good practice when developing and assessing policy and program design and implementation.<sup>7</sup>

## **Information Request 2**

### **Shifting service delivery to Aboriginal community-controlled organisations (ACCOs)**

ANTAR strongly supports the shifting of service delivery to Aboriginal community-controlled organisations (ACCOs) as part of a larger aspiration for Aboriginal and Torres Strait Islander communities to be self-determining, with two provisos: firstly, that ACCOs are provided with sufficient funding, resources and support to build capacity in order to operate well and improve outcomes. This should include capacity support for new infrastructure, larger workforces and staff training; it should also be inclusive of sustainable long-term funding that includes provisions for the consumer price index (CPI) and inflation<sup>8</sup> as well

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<sup>6</sup> [Draft report - Review of the National Agreement on Closing the Gap Agreement](#), *Productivity Commission* (2023): 37.

<sup>7</sup> [Partnering with Indigenous Peoples: Experiences and Practice](#), *Secretariat of the United Nations Permanent Forum on Indigenous Issues*. No date: 2.

<sup>8</sup> [Aboriginal Family Legal Service \(AFLS\), Submission 36](#). Closing the Gap review Review of the National Agreement on Closing the Gap Draft Report, (23 August 2023): 5.

as funding for programs that are driven by community as opposed to pre-determined by Government.<sup>9</sup>

Secondly, AN TAR is concerned that shifting service delivery to ACCOs may disproportionately burden the Aboriginal community-controlled sector with the responsibility for closing the gap, as well as increase the likelihood they are blamed for its failures. We urge the Commission to consider how shifting service delivery can be carried out without relieving mainstream services and governments of their inalienable responsibilities.

ANTAR underscores that Aboriginal and Torres Strait Islander communities are the experts on the issues and challenges facing their communities, and supports the Commission's proposal to put obligations for governments into service delivery contracts - including relevant data-sharing - in order to allow ACCOs to design and deliver services that best meet the priorities and needs of their communities.

ANTAR notes that very few evaluations of transitions of government service delivery to community control have been undertaken in peer reviewed literature, particularly concerning processes and strategies involved in successful transitions. As such, it is difficult to comprehensively assess and recommend particular elements of best practice. Still, we put forward the following elements from research on successful transitions to community control:

1. Long-term funding for ACCOs with the assurance that they will not have to compete with mainstream organisations for funding;
2. Commitment to the long-term nature of building organisational capacity;
3. Extending trust to Aboriginal-led service delivery and governance, including a commitment to reduce the number of stringent requirements involved in external accountability processes in favour of a shift toward First Nations-led understandings of internal accountability; and

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<sup>9</sup> Ibid: 4.

4. Commitment from government to implement a phased and flexible ‘nation to nation’ approach that sees government in a stewardship role with the goal to ultimately surrender government oversight and control.

As a broader example of best practice, we highlight the case of Life Without Barriers - one of Australia's largest providers of out-of-home care delivering services to around 25,000 people per year across 400 communities - partnering with the Secretariat of National Aboriginal and Islander Child Care (SNAICC) to transfer service for First Nations children to Aboriginal and Torres Strait Islander community controlled services.

As noted by SNAICC CEO Catherine Liddle, there is no shortage of ACCOs with the capacity to provide service delivery, but funding has historically gone to larger organisations like Life Without Barriers.<sup>10</sup> As such, it is crucial that ACCOs are not competing with larger mainstream service delivery organisations for funding and that they have the opportunity to develop the infrastructure and processes needed to take the lead. We note that the Aboriginal Family Legal Service (AFLS) outline similar concerns in their Submission, with the AFLS still required to competitively tender against mainstream organisations for short term service contracts in Western Australia, creating a lack of assurance and a funding uncertainty that undermines and disadvantages the Aboriginal community controlled sector.<sup>11</sup>

The Commission might also consider lessons learned from another case of best practice involving the shift in primary healthcare services (PHC) from the Queensland state government to one Aboriginal Community Controlled Health Service, Gurriny Yealamucka Health Service in Yarrabah, Queensland. Research on the transition reflects that Gurriny’s journey of achieving community control of PHC in Yarrabah was a 30 year process, the core of which was building and demonstrating organisational capacity.

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<sup>10</sup> Sarah Smit. “[Indigenous out of home care services transferred to community hands](#)”. *National Indigenous Times*. (23 September 2023).

<sup>11</sup> AFLS, [Submission 36, Closing the Gap review](#): 5.



The shift to community control was undertaken in two stages, with the first stage focused on establishing and developing a community-controlled health service and the second stage focused on preparing for the transition, which included strategies to ensure strong governance, developing workforce and financial planning, management and modelling.<sup>12</sup> The Gurriny case study demonstrates that capacity building is often a decades-long process and that Aboriginal-led service delivery will at times differ radically from Western notions of accountability and governance.

Whilst Gurriny gained a great deal from the organisational capacity development process, they identified a significant barrier to their capacity building process and transition of service delivery: frequently stringent requirements and the need to continuously demonstrate organisational and leadership capacity, stemming from an underlying lack of trust from key stakeholders in Government and Queensland Health.<sup>13</sup>

This suggests that a crucial element to ensuring successful transfers of service delivery from mainstream organisations to ACCOs is extending trust. Aboriginal and Torres Strait Islander organisations know their communities best, and must be trusted to implement culturally safe and relevant solutions without being continually asked to re-prove their capabilities and respond to frequent and stringent government demands. ANTAR echoes the findings from the study on Gurriny's transition to community control which state that the underpinning systematic racism and mistrust from Government toward Aboriginal governance leads to significant delays and acts as a major barrier to transition.<sup>14</sup>

Gurriny's transition to community-controlled service delivery was ultimately successful, and their experience provides a framework for both governments and other ACCOs. Lessons learned from Gurriny suggest that Government

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<sup>12</sup> Jongen et al. "[Transitioning to Aboriginal community control of primary health care: the process and strategies of one community-controlled health organisation in Queensland](#)". *BMC Family Practice*. vol 21, 230 (2020).

<sup>13</sup> Ibid: 5.

<sup>14</sup> Ibid: 10.

stakeholders can support future transitions by providing clear information about expectations early on, committing to the long-term resourcing of ACCOs capacity strengthening processes, and having trust in Aboriginal governance.

It is ANTAR's belief that governments must fundamentally reimagine their role away from needing to have control over the quality, performance and cost effectiveness of ACCOs and toward holding the responsibility to work in partnership with ACCOs as a supportive resource and funder of their services. This requires an awareness that the primary responsibility of ACCOs is and should not be to answer to governments (i.e. external accountability) but to be responsive to the needs of their communities and to provide quality, culturally safe and accessible services (i.e. internal accountability).<sup>15</sup>

We urge the Commission to ensure their recommendations reflect the importance of internal accountability and mutual responsibility to many First Nations.<sup>16</sup> Further, we believe there must be a shift in government approach away from a 'one size fits all' model - in other words, 'lifting and shifting' mainstream services - to a phased and flexible context-specific approach that sees government in a stewardship role with the goal to surrender government oversight and control and to ensure system changes are working in the interests of First Nations communities.<sup>17</sup>

Ultimately, ANTAR recommends a nation-building approach that prioritises First Nations internal accountability over external accountability and allows ACCOs the ability to be funded by government while being internally accountable for policy and administrative mistakes, as a settler government would be, without intervention.<sup>18</sup> This is supported by the UNDRIP which allows that Indigenous peoples, in exercising their right to self-determination, have the right to

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<sup>15</sup> Ibid: 9.

<sup>16</sup> Jumbunna Institute Indigenous Policy Hub. "[Accountability Frameworks between States and Indigenous peoples - a literature review](#)" University of Technology Sydney (2020): 13.

<sup>17</sup> Ibid: 6.

<sup>18</sup> Martin and Mirraoopa 2003 Native Nations Institute and HPAIED 2006, Cornell and Kalt in Jorgensen 2007 as cited in Jumbunna Institute Indigenous Policy Hub. "[Accountability Frameworks between States and Indigenous peoples - a literature review](#)" University of Technology Sydney (2020): 16.

autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.<sup>19</sup>

As stated in the comprehensive literature review on accountability frameworks by Jumbunna Institute Indigenous Policy Hub:

“...when accountability in service provision is not used as a form of settler jurisdiction over First Nations, but rather as an agreement for autonomy that enables First Nations jurisdiction, a First Nation’s internal and external political accountability can flourish.”

## **Information Request 6**

### **Characteristics of the organisation to lead data development under the Agreement**

It is ANTAR’s view that the organisation chosen to lead data development, as per Draft Recommendation 1 and Information Request 6, should be completely independent of government, and that the greater the evaluation institution’s distance from executive power, the more potential it has to lead evaluation and performance monitoring processes in ways that will contribute to better outcomes.

We are in full agreement that transformation can only be realised by drawing on the experiences and perspective of Aboriginal and Torres Strait Islander people and, as such, suggest that genuine co-design with Aboriginal and Torres Strait Islander people be built into the development of a conceptual logic underpinning the performance monitoring approach.

With respect to how the chosen organisation might apply principles of Indigenous data sovereignty and governance in data development, ANTAR suggests it may be helpful to consider the CARE (Collective Benefit, Authority to Control, Responsibility, and Ethics) Principles for Indigenous Data Governance.<sup>20</sup> As the Commission no doubt recognises, the full participation of

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<sup>19</sup> [Declaration on the Rights of Indigenous Peoples](#) *United Nations* (UN) (2007): 8.

<sup>20</sup> Stephanie Russo Carroll, et al. 2020. “[The CARE Principles for Indigenous Data Governance](#)”. *Data Science Journal* 19 (1): 43.

Aboriginal and Torres Strait Islander peoples in data governance activities is central to realising Indigenous data sovereignty, including ensuring they have the authority to control the collection, storage, analysis, use and reuse of data.<sup>21</sup>

The CARE Principles for Indigenous Data Governance empower First Nations peoples by shifting the focus from regulated consultation to value-based relationships that position data approaches within Indigenous cultures and knowledge systems to the benefit of First Nations peoples.<sup>22</sup>

We further refer the Commission to the work of the Maiam nayri Wingara Indigenous Data Sovereignty Collective, in particular their 5 data sovereignty principles<sup>23</sup> and their briefing paper.<sup>24</sup>

## **Information Request 8**

### **Quality of implementation plans and annual reports**

As noted in the Close the Gap Campaign submission, implementation plans and annual reports currently contradict the Priority Reforms by failing to uphold governments' commitment to fundamentally changing systems and structures for First Nations peoples.<sup>25</sup> They must drive collaboration with First Nations partners, prioritise actions that will respond to the Priority Reforms in a truly responsive fashion, and communicate decisions to the national community to welcome cultural accountability and shared decision-making.<sup>26</sup>

ANTAR supports the Campaign's suggested approach to improving the quality of governments' implementation plans. The Campaign presents the following requirements for responsive, culturally appropriate, and effective implementation strategies:

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<sup>21</sup> Ibid: 3.

<sup>22</sup> Castellano 2004; Anderson et al. 2003 as cited in Stephanie Russo Carroll, et al. 2020. "[The CARE Principles for Indigenous Data Governance](#)". *Data Science Journal* 19 (1): 3.

<sup>23</sup> "[Maiam Nayri Wingara Indigenous Data Sovereignty Principles](#)", *Maiam nayri Wingara*, no date.

<sup>24</sup> "[Indigenous Data Sovereignty Data for Governance: Governance of Data Briefing Paper](#)", *Maiam nayri Wingara and Australian Indigenous Governance Institute* (2018).

<sup>25</sup> Close the Gap Campaign submission to Review of the National Agreement on Closing the Gap Draft Report, *Close the Gap Campaign* (2023)

<sup>26</sup> Ibid.

1. Employing a human-rights based approach (using the PANEL framework) in accountability structures to support Priority Reform 3 and identify the 'blind spots' that previous implementation plans have failed to capture;
2. Adopting a strengths-based approach in implementation plans which centre First Nations peoples' lived experiences in policies and programs aiming to realise their human rights, for example by using a model such as the one found in Australian Human Rights Commission's Wiyi Yani U Thangani Report;<sup>27</sup>
3. Adopting an intersectional approach that considers outcomes not in isolation from each other but understanding the intersectional social, cultural, political, and economic drivers of the gap as opposed to focusing on symptoms;
4. Using decolonising evaluation methods to rethink evaluation of Closing the Gap implementation plans, including disaggregating quantitative data, embracing qualitative evaluation methods such as interviews, and including co-design and co-review principles to allow for meaningful evaluation;
5. Adopting a holistic systems lens approach that is grounded in First Nations knowledge and which expands measurements of change beyond individual behaviour to include the environments - including systems and structures - in which people live, work, age, and are born;
6. Considering the role of social and cultural determinants of health that produce and maintain the current gap in health and justice outcomes; including understanding individual behaviour (such as alcoholism) as arising from the impact of broader structures as well as intergenerational consequences of dispossession, war, the Stolen Generations, and dehumanising policies.

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<sup>27</sup> Australian Human Rights Commission, '[Wiyi Yani U Thangani Report](#)' (2020).

## **Information Request 9**

### **Independent mechanism in the broader landscape**

Information request 9 asks for feedback on the establishment of an independent mechanism that will drive accountability by supporting, monitoring and reporting on governments' transformations, and the role that new and emerging Aboriginal and Torres Strait Islander bodies might play in accountability more broadly.

ANTAR believes that an independent mechanism is crucial, and that it should utilise a human-rights framework as an accountability measure. We are supportive of this mechanism having a broader role beyond Priority Reform 3 in order to drive accountability for progress towards all of the Priority Reforms, so long as this independent body is well-resourced in order to be able to carry out this work without compromise.

Taking our direction from the Coalition of Peaks and Aboriginal community controlled organisations such as the National Aboriginal Community Controlled Health Organisation (NACCHO), ANTAR firmly believes that a national Voice to Parliament will help accelerate the governments' efforts to meet their commitments under the Closing the Gap agreement by creating a permanent pathway for government to hear the solutions that Aboriginal and Torres Strait Islander peoples already have. It is reasonable to expect that as part of its functions, the Voice could contribute to accountability and oversight of matters affecting Aboriginal and Torres Strait Islander people.

Whilst new and emerging Aboriginal and Torres Strait Islander representative bodies - such as the proposed Voice to Parliament, as well as the already-established First Peoples Assembly in Victoria and the legislated First Nations Voice to Parliament in South Australia, among others - have an important role to play in holding governments accountable to the commitments they have made under the Closing the Gap Agreement, ANTAR is of the view that a stand-alone independent mechanism is still required.

These new and emerging bodies can operate in conjunction with and parallel to the independent mechanism specifically tailored to monitor the Closing the Gap program delivery, and can collaborate and inform each other's activities in interdependent ways, but meaningful action on Closing the Gap targets merits its own independent mechanism.

With respect to specific features of an independent mechanism and/or new accountability bodies to fill the accountability gap, ANTAR is in full support of the potential features listed on page 73 of the Commission's draft report. In addition, we believe any such independent mechanism must have the authority to assess, review and make recommendations regarding implementation and performance.

Lastly, we wish to highlight the work of the Jumbunna Institute's Indigenous Policy Hub at the University of Technology Sydney who have laid some excellent foundations for thinking about accountability frameworks between governments and First Nations peoples in their report titled *Accountability Frameworks between States and Indigenous peoples*. Jumbunna's research states that accountability shifts must still place responsibility for long-term consequences of colonisation with State and Commonwealth governments. They cannot make First Nations accountable to State funders and auditors for outcomes largely in the control of the State.<sup>28</sup>

## **Information Request 10**

### **Senior leader or leadership group to drive change in the public sector**

ANTAR supports the designation of a leadership group in each jurisdiction who will be tasked with promoting and embedding changes to public sector systems and culture, including to identify and eliminate institutional racism, and to improve cultural capability and relationships with Aboriginal and Torres Strait Islander people throughout the public sector.

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<sup>28</sup> [Accountability Frameworks between States and Indigenous peoples — a literature review](#), *Jumbunna Institute Indigenous Policy Hub, UTS* (December 2020): 5.

It is our belief that this role should belong to a group as opposed to a single leader. Further, ANTAR strongly recommends that the jurisdictional public service legislation must be strengthened to hold public servants to account, as well as to increase accountability of the leadership group tasked with promoting and embedding changes to the systems and culture of the public sector.

ANTAR points to the many royal commissions as evidence of the fact that a 'business as usual' approach to systemic change, despite the very many good intentions, has not and will not deliver systemic change in the public sector at the level required in the Closing the Gap Agreement. Increased oversight and accountability is required.

Anderson and Ackermann Anderson (2011) identify transformational change as that which challenges underlying assumptions and values of an organisation and is ongoing and adaptive.<sup>29</sup> They and many others in the organisational change literature argue that in order to achieve truly transformative change within an organisation, conscious change leadership is required; this leadership starts with a fundamental shift in how leaders perceive reality, along with shifts in individual mindsets and collective culture.<sup>30</sup> In this paradigm, transformational change is nonlinear, with numerous course corrections and adjustments.<sup>31</sup>

It is ANTAR's belief that while focusing on a shift in processes - such as Draft Recommendation 3, to embed responsibility for improving cultural capability and relationships with Aboriginal and Torres Strait Islander people into public sector employment requirements - is helpful, it will have limited capacity to produce the kinds of transformative shifts required to meet the Closing the Gap Agreements commitments. We note the Commission has acknowledged that requiring all public sector CEOs, executives and employees to become culturally capable will not immediately result in cultural competence and cultural

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<sup>29</sup> Dean Anderson, Linda Ackerman Anderson, "[Conscious change leadership: Achieving breakthrough results](#)". *Leader to Leader* (2011): 51.

<sup>30</sup> Dean Anderson, Linda Ackerman Anderson, "[Conscious change leadership: Achieving breakthrough results](#)". *Leader to Leader* (2011): 51.

<sup>31</sup> *Ibid*: 5.



safety.<sup>32</sup> It must be accompanied by deeper and more reflective shifts in individual and collective worldview.

With respect to Information Request 10, which asks what particular skills or attributes a leadership group would need in order to improve cultural capability and relationships with Aboriginal and Torres Strait Islander people throughout the public sector, ANTAR recommends the inclusion of best practice models and principles from the literature on conscious change leadership.

In particular, we believe the focus on leaders actively pursuing self-knowledge by turning to the internal world of awareness and beliefs holds promise to achieving the kinds of leadership changes that are capable of addressing institutional racism, improving cultural capability and relationship transformation. In conscious change leadership models, leaders look beyond external processes and seek first to understand their mindsets so they can transform the aspects of their conditioning that limit their perception, actions, and outcomes.<sup>33</sup>

While these processes may seem abstract, we know from the literature on organisational change that they are fundamental to transformational change, and that without them, change efforts fail. This will require people and governments to begin decolonising their thinking and their approach to systems change. It is crucial that any leadership group tasked with driving change in the public sector turn to Aboriginal and Torres Strait Islander worldviews and ways of knowing to inform their concepts of 'change' and 'improvement' rather than assuming or inheriting western models and theories of change.

## Conclusion

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<sup>32</sup> [Review of the National Agreement on Closing the Gap Draft Report](#), *Productivity Commission* (2023): 78.

<sup>33</sup> *Ibid*: 57.

We thank the Commission for the opportunity to comment on the National Agreement on Closing the Gap draft report and while we are deeply concerned about the lack of prioritisation from all governments toward the four priority reforms, we applaud the Commission for its honest review.

Though the Commission knows full well, it bears repeating that the limited progress on the key targets for improving life outcomes for First Nations Peoples, with some areas regressing, is simply unacceptable. Continuing along this trajectory is fundamentally a failure of Government policy and a symptom of structural malfunction. That failure translates to the broken spirits of children as young as ten being traumatised in detention facilities and ripped from their families to be placed in out of home care; it is a youth suicide rate that will not budge from its disproportionately high rates; it is First Nations women and children being subjected to high levels of violence and abuse; it is Aboriginal and Torres Strait Islander youth being 64 percent more likely not to finish high school than non-Indigenous Australians.

It is fair to conclude that the gap is not closing because the deeply held logic of 'Government knows best' is faulty and false. The 2020 National Agreement was intended to break the mould. Aboriginal and Torres Strait Islander people know what is best for the health and wellbeing of their communities. Until and unless State and Federal governments are willing to accept this fact and truly commit to the necessary large-scale structural changes, progress will remain too limited.

ANTAR strongly recommends the Commission's draft report continue to be informed by Aboriginal and Torres Strait Islander perspective and expertise, and extend our support to the Commission in its ongoing work to hold governments accountable for Closing the Gap.