

Productivity Commission review on the National Agreement on Closing the Gap

NT Government Submission

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1. Introduction

The Northern Territory (NT) Government welcomes the Productivity Commission's draft report on the Closing the Gap review (the draft report), and acknowledges its important role in informing governments' ongoing work and holding all levels of governments to account. The draft report provides some useful preliminary recommendations for further consideration by the NT Closing the Gap partners. Notwithstanding this, the NT Government urges the Productivity Commission to broaden its perspective, as per the scope of the review, to incorporate the responsibilities of all parties to the National Agreement on Closing the Gap (the National Agreement). Unlike other jurisdictions, in the Northern Territory, Closing the Gap partners have a legitimate and equal seat at the table in developing and actioning Implementation Plans with government. Subsequently, all parties have shared accountability for what Implementation Plans contain, and how the actions within are implemented. It has been disappointing to see this change in partnership and shared accountability not reflected in the draft report.

The NT Government notes that in June 2023, the Office of Aboriginal Affairs (OAA) within the Department of the Chief Minister and Cabinet provided information in response to a request from the Productivity Commission, for inclusion in the draft report. Following the release of the draft report, the OAA met with staff from the Productivity Commission to discuss some inaccuracies within the document and to highlight the absence of all information provided by the NT Government.

This submission will outline challenges and successes, from an NT Government perspective, that have affected the broader partnership arrangements in the Northern Territory, and respond to the information requests outlined in the draft report.

2. NT Closing the Gap partnership structure

One of the actions in the first Closing the Gap NT Implementation Plan was to establish partnership arrangements in the Northern Territory in line with the National Agreement. These arrangements are designed to mirror the national governance structures, and ensure that the strong partnership elements are being met at a fundamental level. They are intended to share decision-making between governments and Aboriginal community-controlled organisations to the greatest extent possible within the systems, and accounting for the legal and constitutional requirements, of government.

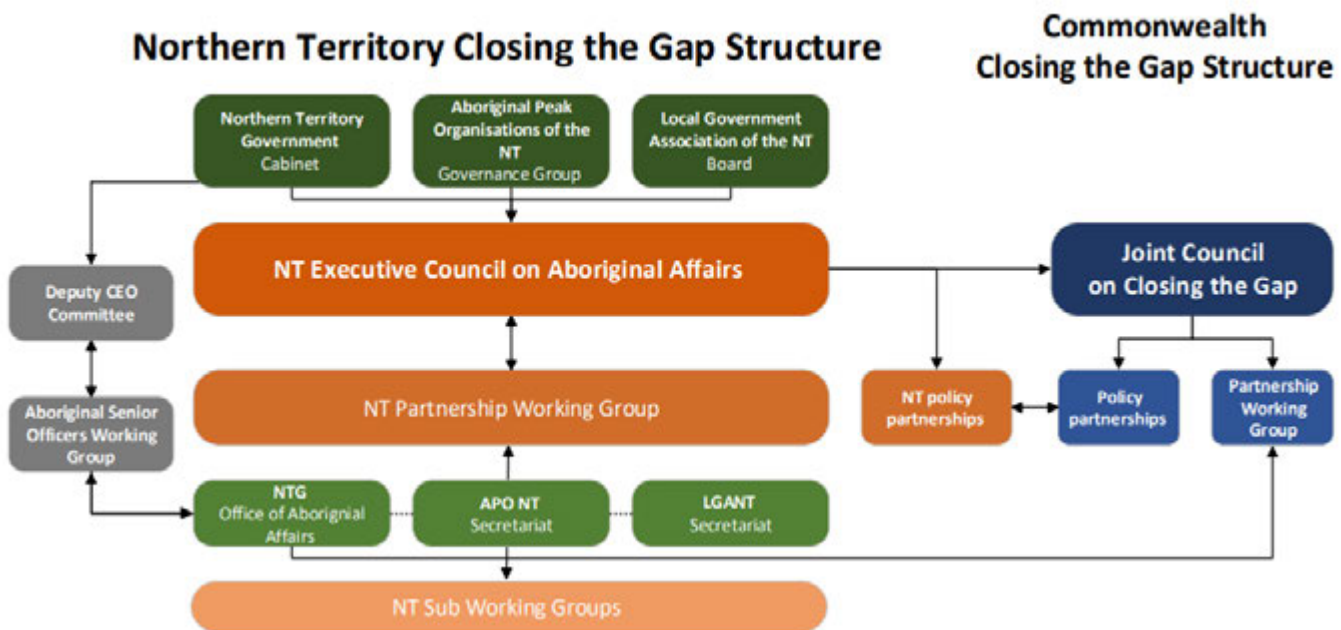
The NT Executive Council on Aboriginal Affairs (the NTECAA) is co-chaired by the Hon Selena Uibo MLA, Minister for Aboriginal Affairs, NT Government; and Dr John Paterson, Lead Convener, Aboriginal Peak Organisations of the Northern Territory (APO NT). Its membership includes Chief Executive Officers (CEO) from five APO NT member organisations, two senior officials (including the CEO) from the Department of the Chief Minister and Cabinet and an additional CEO from another agency from the NT Government on a rotating basis, the President or CEO from the Local Government Association of the Northern Territory (LGANT), and the Deputy Secretary or senior official from the National Indigenous Australians Agency (NIAA). The NTECAA is designed to be similar to the Joint Council in its purpose – to oversee and provide strategic direction on the implementation of the National Agreement in the Northern Territory.

The NT Partnership Working Group (NT PWG) includes membership from the same organisations that constitute the membership of the NTECAA, but at the officer/senior-officer level, and its purpose is to lead the development of implementation plans and monitor or lead the implementation of actions contained therein. All parties have been heavily involved in drafting and negotiating actions for inclusion in Closing the Gap NT Implementation Plans. The majority of these actions undertaken by the NT PWG are carried out and/or coordinated by NT Government representatives from the OAA, in collaboration with NT Government agencies.

NT PWG meetings provide a regular opportunity for advice and feedback on NT Government actions and administrative functions to support the group. However, non-Government parties are still building their capacity in providing implementation information on behalf of their organisations. For example, parties

regularly request presentations by the NT Government on the Closing the Gap to their stakeholders, instead of leading those presentations themselves, with the support of NT Government. This puts the Government in a difficult position as they are being asked to lead across organisations, at the expense of those organisations building capacity across their own structures.

To support their participation in these partnership arrangements, the NT Government provides APO NT \$300 000 a year, through a five year funding agreement. Further, APO NT and its member organisations receive additional funding from the NT Government via various other arrangements. The NT Government, through the OAA, also provides Secretariat support to the NTECAA and NT PWG.



3. Challenges to implementation

3.1. Working in genuine partnership

While governments have a responsibility to make systemic and structural changes in line with the National Agreement, the partnership approach requires effort from all parties. Fundamentally, the Northern Territory’s Implementation Plans have been developed in partnership with our Closing the Gap parties as outlined in the governance structures above, and while the NT Government holds responsibility for the majority of the actions, these are not “government” plans, in the traditional sense, as described in the draft report.

In terms of resourcing, OAA undertakes the vast majority of administrative duties to support the partnership structure in the Northern Territory. This is consistent with the draft report, which notes that responsibility for the implementation of the National Agreement often falls to individuals or small business units. However, while OAA plays a coordinating role across Government, there is significant work underway across NT Government agencies to support the implementation of the National Agreement (please see section 4.3 **Information request 3: Transformation of government organisations** for details). Over the last year many Northern Territory partnerships have been strengthened through the process of the partnership review, and new structures are being established to ensure a partnership approach across new areas.

This is also not unique to governments, and can also be applied more broadly to our Closing the Gap partners. All parties have work to do to ensure other areas of their organisations have been informed about the approach to Closing the Gap, and are applying the principles of the National Agreement in the work that they do.

3.2. Timeframes

Systemic change takes time, and requires multiple levers which, over time, change the status quo. While it is acknowledged that government processes can be protracted, so can working in genuine partnership. Giving our Closing the Gap partners enough time to form their own position is an important aspect of this partnership, and one that, at least for the Northern Territory, has taken precedence over working quickly. The draft report fails to acknowledge that it is not always government parties that are responsible for the rate of progress of the National Agreement and the importance of why this is sometimes necessary, i.e., affording non-government partners the time to absorb information and form positions and advocate meaningfully as part of the process.

The draft report does not adequately acknowledge the time required to share decision-making across large, complex structures (both government and groups of peak bodies like APO NT, which need to also reach a consensus). This is exemplified by a situation experienced in our partnership where the NT Government sought the strategic input of its partner in February of 2023 and received a response to that request for direction in September of 2023. This slowed the delivery of an action by a considerable amount of time and whilst it seems a negative, this delay was really important to ensure the partner had meaningful involvement and help set the direction of government in delivering on this action in a way that is of benefit to Aboriginal organisations.

The NT Government has put into place numerous initiatives, across its people, processes and partnerships, designed to affect system-level change as outlined below. However, we acknowledge there is significantly more to do, and these initiatives will continue to be built upon.

The NT Government acknowledges there could certainly be improvements in the functions of the Northern Territory's Closing the Gap partnership arrangements. At the time of writing, there is a 'strong partnership workshop' planned for the partnership to work through a number of these issues.

3.3. Funding

The draft report notes that details on funding and timeframes are missing or vague. Details on funding are difficult to include because the completion of implementation plans often doesn't align with mandated budget processes, which, for the Northern Territory more so, are also heavily dependent on the Federal Budget, as well as any number of bilateral and intergovernmental agreements concurrently being negotiated.

Over the last year, there has been tangible progress in bringing these bilateral arrangements into line with the partnership requirements under the National Agreement, including our Closing the Gap partners now having seats at many different negotiating tables. The NT Government appreciates there are stringent processes for funding, which can also come with conditions, but that these are accountability mechanisms that government has to abide by when utilising public money.

4. Information requests and draft recommendations – NT Government responses

4.1. Information request 1: Effectiveness of the Policy Partnerships

NT Government representatives for the Social and Emotional Wellbeing, Languages and Early Childhood Care and Development Policy Partnerships provided information for input into this submission. OAA has also provided information on the NT Justice Policy Partnership below.

4.1.1. National Policy Partnerships

Feedback from NT Government representatives on national policy partnerships indicates that partnerships, with the exception of the Justice Policy Partnership (JPP) which is a little further progressed, have now been established but are still relatively early in their development.

The Early Childhood Care and Development Policy Partnership is one such group that has a very broad remit (child care through to out of home care and family support). The partnership has been operating just under a year and has positioned itself so not to duplicate work under *Safe and Supported: The National Framework for Protecting Australia's Children* (noting policy partnership members are also often sitting on *Safe and Supported* or Early Years Childhood working groups and/or steering committees) but to complement and assist this work. The partnership has noted that the policy direction is largely set by *Safe and Supported*/Early Years and is discussing matters of alignment, progress and implementation, and often reflects that jurisdictions are at different stages of progress in both Closing the Gap and *Safe and Supported*.

The partnership is useful and expertise in the partnership will likely assist the implementation of multiple strategies that have children in their focus (Early Childhood, *Safe and Supported*, Domestic and Family Violence Commonwealth Strategies). The partnership has progressed through a number of forming challenges related to establishing a true partnership however has been able to maintain forward progression with key decisions and actions occurring. The support of the Commonwealth and the Secretariat of National Aboriginal and Islander Child Care (SNAICC) is invaluable and they have been an excellent resource and support to the partnership. A challenge for the Northern Territory has been the partnership members have been largely operating in isolation until they were provided a cross government pathway through the Aboriginal Affairs Senior Officer's Group led by the Department of the Chief Minister and Cabinet. To this point, partnership actions have not required a government position; however, it is foreseeable that this will arise in the next 12 months.

The unique context of the Northern Territory was highlighted by NT Government representatives participating on policy partnerships. For example, the Languages Policy Partnership (LPP) is focussed on driving coordinated reform efforts under target 16 of the National Agreement; however, the majority of work supporting languages in the Northern Territory is focussed on service delivery through the Aboriginal Interpreter Service (AIS). The AIS is a very unique service to other language and interpreting services across Australia, and is not currently funded for language preservation, although this would have long term benefits for its ability to provide Aboriginal language services. However, the LPP has led to a more interconnected approach across NT Government as we work to understand the different sectors supporting Aboriginal languages and to feed that information into the policy partnership.

Although there is potential for the establishment of jurisdictional policy partnerships to mirror national arrangements, the NT Government representative for the Social and Emotional Wellbeing (SEWB) Policy Partnership noted this has not been pursued for their respective partnership. In part this is due to there being an existing SEWB working group as a subcommittee of the NT Aboriginal Health Forum, which has been chaired by the Aboriginal Medical Services Alliance of the Northern Territory (AMSANT) for approximately five years. Subsequently, the representative is able to provide a conduit between these groups, without duplicating work.

4.1.2. Jurisdictional Policy Partnerships

The Northern Territory Justice Policy Partnership (NT JPP) was the first jurisdictional policy partnership related to one of the five priority policy areas in the Northern Territory mirroring national arrangements. It was formally established in 2022, led by a policy officer employed within NAAJA, with support from the OAA. The NT JPP is co-chaired by NAAJA's Principal Legal Officer, and the Deputy CEO of the Department of the Attorney-General and Justice. Membership is mirrored on the national Justice Policy Partnership, and includes representatives from Aboriginal organisations and relevant NT Government departments, as well as additional independent Aboriginal members selected through an Expression of Interest (EOI) process. The group has met twice since their inception, and the intent is to provide a partnership mechanism to progress actions that will address justice-related outcomes. At the time of writing, NAAJA was recruiting to the policy officer position, after the previous employee resigned.

The NT JPP has received NT Government funding as part of the NT contribution to the Closing the Gap virtual funding pool, to assist with sitting fee arrangements and regional and remote engagement.

The preceding policy officer had previously raised concerns about the lack of connection between the national and jurisdictional policy partnerships, partially due to not having jurisdictional representatives from the Aboriginal Community Controlled Organisation (ACCO) sector on the national JPP. There were also concerns about the national body committing jurisdictions to actions without the input of jurisdictional policy partnerships. The NT Government also shared these concerns and they were raised through the national Partnership Working Group and the Joint Council.

The NT Government is continuing to develop its policy partnership architecture to ensure shared decision making across all policy areas. These partnerships are key to delivering shared decision making and progressing the policy areas. The NT Government is undertaking a partnership review to strengthen existing partnerships, as per clause 36(a) of the National Agreement. This review will consider how to build accountability into partnership structures.

An example of the Northern Territory progressing policy partnerships includes the current process of establishing a partnership to support target 9b (essential infrastructure). This group had not previously met until the development of actions under the second Closing the Gap Implementation Plan. After a series of meetings to negotiate actions for the plan, the group is working towards formalising in line with the National Agreement in order to progress implementation of these actions in genuine partnership.

4.2. Information request 2: Shifting service delivery to Aboriginal Community-Controlled Organisations

The NT Government notes the draft report contains information about its Local Decision Making policy, and reiterates the policy provides a vehicle for the transition of services to Aboriginal organisations, at the discretion and desired pace of communities. There are currently 13 signed agreements, and an additional 26 under development. In 2022, Charles Darwin University completed an LDM Monitoring and Evaluation project, with a final report available [here](#).

Additionally, the NT Health policy “Pathways to Community Control” supports the transition of primary health care services to Aboriginal community controlled health services. Remote primary health care transitions are guided by the NT Aboriginal Health Forum, a partnership between governments and the Aboriginal Medical Services Alliance Northern Territory, which operates in line with the National Agreement on Closing the Gap. More information on Pathways to Community Control can be found [here](#).

4.3. Information request 3: Transformation of government organisations

The NT Government agrees that systemic and enduring change across government is required to implement the National Agreement. There is no doubt that all governments have a long way to go to embed the National Agreement’s transformation elements, but the work that has been undertaken and is currently underway is also important to note and reflect on.

People – educating public servants on Closing the Gap roles and responsibilities	Processes – Updating NT Government processes to align with the National Agreement	Working in partnership – ensuring partnerships and forums align with Clause 32
Development of Closing the Gap online training module for all staff (also available externally), reporting completions by agency to CEOs	Updating the Cabinet submission process with Closing the Gap requirements	NT Executive Council on Aboriginal Affairs
Currently developing print resources for staff on Closing the Gap requirements	Parliamentary Inquiry into a Process to Review Bills for their Impact on First Nations Territorians	NT Partnership Working Group
Ongoing engagement with CEOs and senior officers	Aboriginal Affairs Senior Officer Working Group – Closing the Gap agency champions, reporting to agency Dep CEOs	Partnership review focussing on: <ul style="list-style-type: none"> • Tripartite Forum • Youth Justice Advisory Committee • Youth Detention Consultation forum • Joint Steering Committee to the National Partnership for Remote Housing • Aboriginal Advisory Board on Domestic, Family and Sexual Violence • Aboriginal Health Forum

The partnership review has been an effective tool in educating staff about their requirements under the National Agreement. The Northern Territory partnership review is currently underway, but is being led by APO NT, with the NT Government undertaking administrative and secretariat duties. This was an approach endorsed through our Closing the Gap NT PWG, as all parties agreed the review should be Aboriginal-led. The NT Government, for its part, is highly supportive of the review process as a practical mechanism to bring partnerships into line with the requirements of the National Agreement, and to educate public servants on how to apply the National Agreement to all aspects of their work.

There is also a level of transformation required by our Closing the Gap partners, which is not acknowledged in the draft report. Understandably, advocacy is a huge part of the role and identity of our Aboriginal community-controlled organisations and peak bodies – many members have spent years, even decades, advocating for their organisations, communities and Aboriginal people. This advocacy has been pivotal in bringing about the reform we are now seeking to undertake through the National Agreement. However, the work required now and most urgently through our partnership and implementation plans needs to expand to focus on *implementation*. While advocacy will always be important and we will never diminish the right of any person, group, organisation or business to advocate, implementation is complex and requires a nuanced approach, and is significantly more difficult than advocating. It requires a shift to doing the work, together, and not just talking about how it should be done. It means all parties coming together and negotiating a shared approach, which may mean give and take at times. This has been a significant challenge in the Northern Territory, and the partnership is not yet at this stage.

Our Aboriginal partner organisations require further development in internal governance and decision-making, and how they can reach a position as an organisation/collective, to support their capacity to effectively participate in implementing the National Agreement. At times, processes have been disrupted where previously agreed actions and approaches that have been developed over significant time periods and were believed to have had endorsement, were withdrawn due to a single member organisation's sudden disagreement. This has occurred on occasions where staff turnover has resulted in someone new at the table. Not only does this slow down processes significantly, it damages both the reputation and ongoing effectiveness of the partnership.

In the Northern Territory, there is also the additional consideration of local government. LGANT is an active member on the Closing the Gap NT PWG. Local governments play a significant part in the lives of Aboriginal Territorians, particularly in remote areas.

The definition of an Aboriginal community-controlled organisation is a contentious issue for a number of local councils in the Northern Territory, who believe that, given the majority of their employees and elected members usually are Aboriginal, they should be recognised as Aboriginal community-controlled. This position has been adopted by LGANT. The NT Government and APO NT's position, and the intent of the National Agreement, is that local government councils are a tier of government, and therefore they cannot be recognised as an ACCO. Subsequently, this means that in the Northern Territory we have a party of our Closing the Gap partnership arrangements that is not likely to align its business approach consistent to the principles establishing Priority Reform 2, however they remain committed to the partnership in the interests of progressing the implementation of Closing the Gap to its maximum potential in this jurisdiction.

Whilst the situation detailed above is not ideal, it does serve to reflect that parties to the partnership can have fundamental disagreement but still work collectively to achieve the socio-economic outcomes of the National Agreement.

4.4. Information request 4: Indigenous data sovereignty and Priority Reform 4

Aboriginal data sovereignty is a relatively new concept, at least to governments, which has developed further since the drafting of the National Agreement. As such, Priority Reform 4 does not effectively capture data sovereignty principles. While this does not prohibit governments from working in this space, it has seen some delay in action as parties intend to incorporate data sovereignty principles into the development of any actions to address Priority Reform 4, as there may not always be uniform or adequate understanding of what this constitutes.

The NT Government is supporting an APO NT-led process to develop data sovereignty principles for the Northern Territory. This process is building on the work undertaken by Aboriginal people and organisations in other jurisdictions. It would be greatly aided through a link to a broader process across all jurisdictions both enabling greater consistency and accountability.

National coordination on data sovereignty within Priority Reform 4 would also contribute to consideration of any principles in other important data work within the National Agreement such as data development of targets and indicators and community data projects.

4.5. Information request 5: Legislative and policy change to support Priority Reform 4

From an OAA perspective, the legislative and policy barriers preventing the sharing of data with Aboriginal people and organisations are not as much of an issue as the availability of data, particularly at the regional level. As a result of the partnership approach in the Northern Territory, data has been shared where required on an in-confidence basis if necessary. But a lack of data availability, or systems to sort the data in valuable ways, is more challenging.

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

The NT Government agrees with the draft recommendation, in that there should be a lead organisation with adequate resourcing, to lead data development under the National Agreement as outlined in the draft report. This would provide a coordinated and dedicated approach to data arrangement, and allow jurisdictions to focus on implementing the National Agreement.

The NT Government supports the responsibilities outlined in draft recommendation 1, particularly the focus on regional data.

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

Setting the appropriate governance structure requires consideration of some of the key activities the body will need to undertake.

Firstly, while it is important that this body is well resourced to coordinate data development, the body should also have the capacity to seek resourcing where current level is not sufficient to meet data developing capabilities. This may include the ability to seek resources for data collection activities for indicators that don't have data, for community engagement and for resourcing Aboriginal partners well enough to participate in the data development process. This makes a research centre less appropriate compared to government bodies who can better seek funding through budgetary processes.

Secondly, the scope of the body as a coordinating rather than data collector also points away from a research centre.

Proposed characteristics for a data development body should include:

- Ability to coordinate between Commonwealth government agencies
- Led by a partnership structure that facilitates shared decision-making between Aboriginal organisations and governments. The partnership structure should promote coordination between different jurisdictional levels of government
- Ability to adequately incorporate data sovereignty principles, as agreed by Closing the Gap parties
- Ensure incorporation of the Priority Reforms into all data development activities
- National body with authority

It should be clear for the body whether or not it has a responsibility in communicating the data and supporting Aboriginal people and organisations to use it to support activities under the National Agreement.

4.8. Information request 7: Performance reporting tools – dashboard and annual data report

The NT Government finds these tools very useful and uses them often as resources for sharing information within and outside of government. The annual compilation reports are used less often, but provide a mechanism for the discussion of point-in-time information. The NT Government will continue to advocate for support for regional data where possible, to support informed decision making in the Northern Territory.

4.9. Information request 8: Quality of implementation plans and annual reports

The Northern Territory Closing the Gap Implementation Plans meet the criteria of the information request.

The NT Government reiterates that within the Northern Territory context, these are not 'government' plans in the traditional sense – they are plans that have been developed in partnership with our Closing the Gap partners and are supported and authorised through the government structures. The implementation plans involve actions from across government and were developed with involvement from agencies. Additionally, the second CtG NT Implementation Plan focusses on new actions and contains less than five pre-existing actions. Some pre-existing NT Government commitments and actions can be found in the NT Government's *Everyone Together* Aboriginal Affairs Strategy (the Strategy). Implementation plans and annual reports should be read in conjunction with progress reports for the Strategy, to provide a more comprehensive understanding of the work underway in the Territory.

4.10. Information request 9: Independent mechanism in the broader landscape

Any mechanism for accountability should have a broad scope. There should also be consideration of how accountability can build the capacity of our Closing the Gap parties. For example, it is implied that delays in completing actions are the fault of government, when there are currently a number of actions in progress that are awaiting input from our Closing the Gap non-government partners. This is not a criticism, merely acknowledging that there are other challenges, and that non-government organisations should also expect to bear some accountability. This will only work to strengthen partnerships to deliver better outcomes.

4.11. Draft recommendation 2: Senior leader or leadership group to drive change in the public sector

The process of developing the second Closing the Gap NT Implementation Plan has highlighted important ways to strengthen NT Government processes for future implementation plan development. The NT Government has been holding agency roundtables led by the CEO of the Department of the Chief Minister and Cabinet, and attended by departmental CEOs, to discuss Closing the Gap data, agency responsibilities, the partnership review, and interim findings of the draft report. Completions, by agency, of the NT Government Closing the Gap online training module, have also been reported.

4.12. Information request 10: Designing a senior leader or leadership group to drive jurisdiction-wide change

The Aboriginal Affairs Senior Officers Working Group (AASOWG) is a senior leadership group consisting of representatives across NT Government agencies, and tasked with championing the significant reform required through the National Agreement. AASOWG members are also representatives on national policy partnerships, and will use AASOWG meetings to ensure cross-agency collaboration and information sharing to support their participation in the policy partnership. AASOWG reports directly to the Deputy CEO Coordination Committee.

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

The NT Government agrees with the value in this recommendation. As part of the development of the NT Government's Cultural Responsibility Framework, we will explore ways of addressing this recommendation with our Closing the Gap partners.

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

The NT Government has undertaken significant actions and is progressing reforms with our partners categorised in these recommendations. The NT Government has introduced changes to Cabinet process to include the requirement for an impact statement on Closing the Gap. Additionally, it has long been common practise within the NT Government that central agencies (along with other agencies) review cabinet material and provide input. The Northern Territory has also introduced changes to our contracting processes, with the launch of the Aboriginal Procurement Policy in 2022. Further funding processes will be addressed through the development of an Aboriginal Grants Policy (underway), and the NT Government will explore options for alignment of budget process with the National Agreement.

4.15. Information request 11: Sector-specific accountability mechanisms

The future role of the independent mechanism will be an important overarching accountability mechanism.

Currently in the Northern Territory there exists the following independent accountability mechanisms; the NT Ombudsman, the Anti-Discrimination Commissioner, the Independent Commissioner against Corruption and the Children's Commissioner.

The Children's Commissioner is the only sector-specific mechanism of those. The Children's Commissioner through their office, provides important independent advocacy for children and young people in the Northern Territory, and have membership on a range of forums in the early childhood care and protection and youth justice sectors. The Children's Commissioner has been an important voice in informing the alignment of partnership arrangements in the Northern Territory with the National Agreement through its involvement on these forums.

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

Closing the Gap featured in the annual reports for two agencies, although all agencies contribute to actions to Closing the Gap. The NT Government will encourage agencies to outline these actions and broader commitments to embedding the principles of the National Agreement in their annual reports.

4.17. Draft recommendation 6: Publish all documents developed under the Agreement

Under the National Agreement, the NT Government has committed to making a number of documents relating to Closing the Gap publicly available. NT CtG Implementation Plans and annual reports are available on the OAA website: www.aboriginalaffairs.nt.gov.au. The NT Partnership stocktake review and expenditure review will also be made public as per the National Agreement, once approved by partnership structures. Partnerships and expenditure will also be reported on within annual reports in line with the

National Agreement. The NT Government agrees to add the Productivity Commission's final report to the OAA website.