



Australian Government  
Department of Social Services

# Commonwealth Social Services Portfolio Submission to the *2023 National Agreement on Closing the Gap Review Draft Report*

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# 1. Introduction

The Commonwealth's Social Services portfolio (the portfolio) welcomes the opportunity to provide a response to the information requests in the Productivity Commission's Draft Report (the draft report) for the first three-yearly review of the *National Agreement on Closing the Gap* (National Agreement).

This submission contains input from agencies comprising the portfolio, including:

- the Department of Social Services (the department)
- Services Australia
- Hearing Australia
- the National Disability Insurance Agency (NDIA), and
- the National Disability Insurance Scheme Quality and Safeguards Commission (NDIS Commission).

The department, on behalf of the portfolio, led drafting of the submission. The Australian Institute of Family Studies and the National Domestic, Family and Sexual Violence Commission reviewed but did not provide specific content to the submission. The department thanks all agencies for their time and effort supporting preparation of the submission.

## Scope and alignment with the Commonwealth Submission

This submission focuses on the draft report's information requests related to the four Priority Reforms under the National Agreement.

It provides tangible examples of work occurring across the portfolio for the Productivity Commission's consideration as it prepares the Final Report. This includes examples of good practice that have the potential to inform wider scale change across the portfolio and/or Commonwealth. The submission also reflects on areas where the portfolio can improve its efforts.

This submission includes 7 case studies of positive efforts across the portfolio to implement the four Priority Reforms. These are detailed at **Attachment A**.

A visual diagram of the portfolio's strategic approach to implementing Priority Reform 3 is at **Attachment B** and is elaborated on in **Section 4**. A Roadmap listing the portfolio's initiatives to implement Priority Reform 3 on a scale of maturity is at **Attachment C** and is also elaborated on in **Section 4**.

In addition, the portfolio has contributed input on the draft Recommendations and other requests for information to support a whole-of-Commonwealth level perspective on these matters. This input is included in the Commonwealth Submission led by the National Indigenous Australians Agency (NIAA). As such, it is suggested readers also review the Commonwealth Submission.

The Social Services Portfolio Submission is intended to complement the broader Commonwealth Submission by providing more detail on specific efforts to implement the four Priority Reforms across the portfolio.

## First Nations partner and stakeholder contributions to the Submission

It is important for governments to listen to the views and experiences of First Nations people when reviewing their efforts to implement the National Agreement and its Priority Reforms, and otherwise improve outcomes for First Nations people. This was rightly reiterated by the draft report. It was also front of mind during the development of this submission.

The department offered First Nations partners and stakeholders across the portfolio an opportunity to provide feedback to inform this submission, including input on those areas where the portfolio is doing well, as well as where improvements are needed. The provision of feedback to the department was couched as voluntary, recognising the competing demands on partners' time and resources, and an acknowledgment that some First Nations partners may wish to provide comment on the draft report through other avenues.

The department would like to thank First Nations partners and stakeholders who contributed valuable insights to this submission.

Where possible, feedback received has been quoted directly in the submission. Due to its length, feedback from the First Peoples Disability Network is included at **Attachment D** and referenced in relevant sections of the submission. This approach was taken to ensure feedback was accurately represented and to provide transparency. Where feedback is attributed to a specific First Nations partner or stakeholder, this was done with their permission.

The portfolio is committed to ongoing engagement with First Nations people, communities and organisations to implement the National Agreement and to monitor the outcomes this intends to achieve.

## Context of the Social Services portfolio

The portfolio has direct interactions with First Nations people, families and communities through the policies, programs and services it delivers. This includes First Nations people with disability and those who experience disadvantage and/or vulnerability. As such, the portfolio has a critical role in delivering the change required by the National Agreement and its Priority Reforms. It is also recognised that real and lasting change can only be achieved through genuine partnership with First Nations people, communities and organisations.

The portfolio, specifically the department, is responsible for Commonwealth effort to address the following socio-economic targets under the National Agreement:

- **Target 9(a)** – *By 2031, increase the proportion of Aboriginal and Torres Strait Islander people living in appropriately sized (not overcrowded) housing to 88 per cent.*
- **Target 12** – *By 2031, reduce the rate of over-representation of Aboriginal and Torres Strait Islander children in out-of-home care by 45 per cent.*

- **Target 13** – *By 2031, the rate of all forms of family violence and abuse against Aboriginal and Torres Strait Islander women and children is reduced at least 50%, as progress towards zero.*

The department is also responsible for Commonwealth leadership in relation to the cross-cutting disability outcome under the National Agreement. As the department is also responsible for implementation of *Australia’s Disability Strategy 2021-2031* (ADS), the disability policy framework agreed by all governments, the department’s role supports a shared approach to intergovernmental effort under both the ADS and the National Agreement.

The portfolio remains committed to implementing all aspects of the National Agreement, including the four Priority Reforms. This includes a commitment to enacting meaningful, transformational change across the department and other portfolio agencies. Collaboration between all portfolio agencies is critical for achieving this goal. The portfolio’s strategic response to the Priority Reforms, outlined in **Section 4**, helps facilitate this collaboration.

This submission recognises that, in some cases, the portfolio’s efforts to implement the Priority Reforms are in the early phase of maturity. For example, the portfolio has a number of initiatives that are currently being implemented and, once implemented, will create meaningful change.

Some partnerships between the portfolio and First Nations people are still establishing appropriate governance and other arrangements to ensure they genuinely deliver on the intent of the National Agreement. This reflects the complexity of transformation required, as well as the time needed to establish genuine partnerships and change.

While some transformation will take time, the portfolio remains committed to identifying and actioning immediate steps it can take to change the day-to-day experience of First Nations people, families and communities who interact with the portfolio’s agencies.

With these caveats, the submission notes good progress is being made, with key foundational work already underway. Yet, it is also recognised further efforts are needed to ultimately improve outcomes for First Nations people and communities.

The portfolio looks forward to assisting the Productivity Commission as it works towards the Final Report, and giving careful consideration to the findings provided in the Final Report.

## **2. Priority Reform 1 – *Formal Partnerships and Shared Decision-Making***

**Note:** content in this section relates to Information Request 1 (*effectiveness of policy partnerships*) and Information Request 3 (*transformation of government organisations*) in the draft report.

As noted in the draft report, Priority Reform 1 “commits governments to building and strengthening structures that empower Aboriginal and Torres Strait Islander people to

share decision-making authority with governments. Partnerships...are the key mechanism used in the [National] Agreement to achieve this.”<sup>1</sup>

Establishing and supporting partnerships with First Nations people has been a key focus across the portfolio over the past years. Various partnerships have been, or are being, put in place by the portfolio to help drive work impacting First Nations people. This has involved considerable effort from all parties to ensure these arrangements are genuine and reflect shared decision-making, in line with commitments under the National Agreement.

These partnerships reflect a new way of working with First Nations people, communities and organisations on the matters that affect them. They also provide the foundation needed to drive systemic change across the portfolio. This demonstrates an overlap between efforts to address Priority Reform 1 and Priority Reform 3 (transforming government organisations).

The portfolio notes that the strong partnership elements under clause 32 of the National Agreement have provided sound guidance for both the specific policy partnerships and other partnership arrangements progressing across the portfolio.

This section provides key examples of work to implement Priority Reform 1 across the portfolio. It distinguishes between the five specific policy partnerships entered into under the National Agreement and partnership arrangements related to broader work.

## Specific policy partnerships under the National Agreement

The department is leading the Commonwealth’s involvement in the Housing Policy Partnership (HPP) established under the National Agreement. The HPP is intended to support systemic and structural changes to the way the Australian, state and territory governments share decision-making on First Nations housing and homelessness policies and programs.

The HPP is co-chaired by the department and the CEO of the National Aboriginal and Torres Strait Islander Housing Association (NATSIHA), and is consistent with the other policy partnerships. Its membership includes representatives from state and territory governments, the Coalition of Peaks and independent Indigenous representatives.

**Accountability** – A formal, shared understanding of the responsibilities of all parties will be outlined in an *Agreement to Implement*. This includes specific roles, and processes for decision-making, dispute resolution and reporting. The Agreement to Implement, once finalised, will be agreed and signed by all members.

**Building relationships** – The first HPP meeting was held on 11 August 2023. It had an important focus on relationship building and ways of working together. Taking appropriate time and investing in the formation of the relationship at this early stage of the partnership has been a key factor in laying the foundations for success.

**Impact** – It is expected the HPP will support increased engagement by First Nations people in decision-making from the design phase through to the evaluation of policies and programs. This represents a substantial change in the way governments work with First Nations people, which in the past could be characterised by governments

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<sup>1</sup> Productivity Commission (2023) ‘Executive summary’, *National Agreement on Closing the Gap Review Draft Report*, p. 3.

identifying problems and drafting solutions in isolation, and consulting only briefly with First Nations people prior to implementation, when no material changes to reflect their views could be made.

The HPP is in the early stages of operation and will be working to address change across the housing sector and put adequate support structures in place to enable the genuine partnership of First Nations people.

## Examples of good practice from broader implementation of Priority Reform 1

There are a number of partnerships across the portfolio that fall outside of the five specific policy-partnerships under the National Agreement. One of the most notable is the partnership arrangements under *Safe and Supported: National Framework for Protecting Australia's Children 2021-2031* (Safe and Supported).

The evolution and design of Safe and Supported is underpinned by a strong commitment to shared decision-making between the Australian, state and territory governments and the Aboriginal and Torres Strait Islander Leadership Group (Leadership Group). In practice, this is reflected in the structure and implementation of its governance arrangements. For example, there is membership parity between government and the Leadership Group within each governance element.

Details of the Safe and Supported governance arrangements, as a case study of meaningful work around Priority Reform 1, are at **Attachment A**. In brief, these arrangements are evidence of the department's efforts to transform how it develops policy for First Nations children, families and communities. Importantly, they reflect a fundamental new way governments will work *with* First Nations people and communities. This case study can inform other approaches to shared decision-making across the Commonwealth.

Other positive examples of partnership across the portfolio include the department's work with the Aboriginal and Torres Strait Islander Advisory Council to develop the *Aboriginal and Torres Strait Islander Action Plan 2023-2025* (Action Plan) under the National Plan to *End Violence against Women and Children 2022-2032*. The Advisory Council was engaged to lead the development of the Action Plan. Working in partnership with the Advisory Council took specific staffing, funding, other resources, and time to develop and maintain positive relationships, and facilitate joint endorsement of the Action Plan.

The portfolio also has examples of good practice around partnering with First Nations people on matters related to disability, as outlined below. Partnerships for key work under Priority Reform 2 are outlined in **Section 3**.

## Better partnering with First Nations people with disability

The portfolio plays an important role in delivering policies and services for First Nations people with disability and their families, carers and communities. Partnering with First Nations people with disability and the communities and organisations who represent them is an essential part of this role.

An example of good practice is the NDIA's partnership with the First Peoples Disability Network (FPDN) to co-design a new First Nations Strategy (the Strategy) and action



plan that aims to address the priority issues and opportunities faced by First Nations people with disability. The Strategy is specific to the NDIA and how the agency will work to improve support and outcomes for First Nations people with disability.

The Strategy will be co-designed with NDIS participants, the broader First Nations disability community, families and carers, and the First Nations sector including peak bodies, community controlled organisations, health organisations and providers. Together, the NDIA and FPDN have established a First Nations Advisory Council (FNAC), which will support this process. Its members include:

- First Nations people with lived experience of disability
- community, peak body and sector representatives.

The FNAC is working with the NDIA and will advise on, and govern, the co-design of the Strategy. This demonstrates specific effort to transform how government decisions are made, in partnership with communities. It also reflects the importance of engaging with First Nations people with disability on matters that affect them.

FPDN views the FNAC as a positive step towards shared decision-making with First Nations people on matters related to disability, as highlighted in their feedback below. However, FPDN's experience also illustrates a need for other governance mechanisms beyond the FNAC to enable genuine shared decision-making on broader disability matters across the Commonwealth.

“Establishment of the First Nations Advisory Council has been a very positive step towards shared decision making, however this initiative is specific to the National Disability Insurance Scheme, and does not allow for broader systemic work or a focus on non-NDIS disability issues. FPDN is committed to ensuring that accountability of culturally inclusive, and Disability rights informed policies, programs and services exist throughout government and funded services. This needs a stand-alone governance structure. We require both DSS and NIAA to jointly own this as until Closing the Gap and Australia's Disability Strategy both address this, FPDN are lumbered with the cross cutting coordination of government strategies, which is not our role.

This continues to be an issue where there is not the clarity between the two departments; additionally, it plays out in broader reporting across the Commonwealth where agencies or departments are not required to report on a template that includes the intersection of this or other cross-cutting outcomes.”

– *feedback from First Peoples Disability Network*

FPDN's feedback indicates there is a need for the portfolio to better collaborate with other Commonwealth agencies around Priority Reform 1 and the cross-cutting outcome of disability under the National Agreement. The portfolio acknowledges this collaboration is critical to ensure change is not siloed across individual agencies or policy areas. As reflected in the quote above, better collaboration is also needed to enable First Nations organisations to be involved across different government strategies without becoming overburdened.

The portfolio recognises there is a need to further grow and sustain its efforts to formalise partnerships and related accountability mechanisms, including in the disability sector. This is reiterated by FPDN's experience of partnerships across the Commonwealth, including the portfolio, outlined in **Attachment D**. For example,



FPDN’s experience of some relationships being dependent on the “goodwill of individuals with[in] departments” and that, without formal accountability mechanisms, there will continue to be a gap and inconsistencies in the understanding of the diverse experiences of First Nations people with disability and the need for a coordinated effort to address intersectional discrimination.

Formal accountability mechanisms will contribute to addressing both systemic racism and ableism (as well as other forms of discrimination) in a coordinated way across the portfolios, as well as in policies, programs and service delivery.

With these caveats, it is acknowledged there has been a positive shift in partnering with First Nations people with disability across the portfolio. The FNAC is one example of this. Other examples include the FPDN’s work to develop the *Closing the Gap Disability Sector Strengthening Plan* alongside government agencies, including the department and the NDIA. This shift is also reflected in FPDN’s feedback below regarding opportunities to collaborate with the portfolio and broader Commonwealth:

“We are pleased to have developed some opportunities for genuine two way conversations and means of collaborating with the Commonwealth. These have included information sharing and collaborative approaches on the Disability Royal Commission, strengthening the Community Controlled Sector through the development of the Disability Sector Strengthening Plan and FPDN’s National Disability Footprint, FPDN as a Disability Representative Organisation and our recent work in the Individual Advocacy space. We very much look forward to continuing these positive ways of working together, which ultimately will lead to improved outcomes for mob with disability.”

– feedback from First Peoples Disability Network

The portfolio is committed to continuing to improve its efforts to partner with First Nations people with disability both within the portfolio and across the broader Commonwealth. Existing partnerships, such as the NDIA’s work with the FNAC, provide a strong foundation to inform these efforts moving forward.

### 3. Priority Reform 2 – *Building the Community-Controlled Sector*

**Note:** content in this section relates to Information Request 2 (*shifting service delivery to ACCOs*), Information Request 3 (*transformation of government organisations*) and Draft Recommendation 4 (*central agencies leading changes to Cabinet, Budget, funding and contracting processes*) in the draft report.

Priority Reform 2 is focused on strengthening Aboriginal and Torres Strait Islander community-controlled organisations (ACCOs) and First Nations-led service providers. Ultimately, work under this Priority Reform aims to enable community-controlled sectors “to deliver high-quality, holistic and culturally safe services to Aboriginal and Torres Strait Islander people.”<sup>2</sup>

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<sup>2</sup> Productivity Commission (2023) ‘Priority Reform 2: Strengthening the community-controlled sector’, *National Agreement on Closing the Gap Review Draft Report*, p. 39.

The portfolio recognises change is needed to enable ACCOs and First Nations-led providers to thrive. This includes systemic change of current government processes around funding cycles and service delivery. While more needs to be done, the portfolio is committed to implementing Priority Reform 2. This is evidenced by various initiatives to transform administrative grant processes, transition the delivery of services for First Nations people to community-controlled and other Indigenous-led organisations, and allocate a meaningful proportion of mainstream funding to ACCOs and First Nations-led services providers.

This transformation links efforts under Priority Reform 2 with Priority Reform 3 (transforming government organisations). As such, the examples discussed in this section can also be considered as evidence of work under Priority Reform 3.

In addition, agencies across the portfolio are making notable effort to improve how they support ACCOs and First Nations-led organisations to deliver services. This includes providing supports to build the capacity of the community-controlled sector. It also includes better partnering *with* community-controlled and Indigenous-led organisations, and First Nations people more broadly, to make decisions (linking this work to Priority Reform 1).

The rest of this section outlines examples of good practice across the portfolio around Priority Reform 2. It also touches on several issues regarding broader government processes in the context of Priority Reform 2.

## Transferring service delivery to community-controlled sectors

The portfolio is working to increase the number of community-controlled and Indigenous-led organisations delivering funded services to First Nations people and communities, in line with Priority Reform 2.

For example, the department is progressing phase 2 of the Stronger ACCOs, Stronger Families project, which aims to increase the number of community-controlled organisations delivering services under the department's Families and Children Activity. Phase 2 has a particular focus on strengthening relationships between community-controlled organisations and non-Indigenous organisations to enable them to deliver 2 programs in partnership at 5 pilot sites. These programs include the Communities for Children Facilitating Partner program, and the Home Interaction Program for Parents and Youngsters.

Since commencing in early 2023, the project has been working closely with First Nations people and communities to identify sites where the trial could operate. The department is working in 5 initial sites to build the partnerships, which are being documented in a jointly authored 'Partnership Plan'. Before the end of 2023, the department and its partners will bring these Initial communities and partners together to identify progress and learnings to date. This reflects how Priority Reform 1 can assist with implementing Priority Reform 2. Lessons from the initial sites will be used to inform broader rollout of this approach to other sites.

Another example is the department's *National Child and Family Investment Strategy* (the Investment Strategy). The department has engaged SNAICC – National Voice for our Children (SNAICC) to lead the development of the Investment Strategy. This work will support the shift towards proportionate and coordinated funding of early, targeted

holistic and culturally safe support services for First Nations children and families. It will also involve designing national principles and system elements to support the phased transfer of funding for child and family services to the community-controlled organisations. SNAICC, in turn, is partnering with the Queensland Aboriginal and Torres Strait Islander Child Protection Peak and Social Ventures Australia to deliver this work.

Other efforts include work to ensure that First Nations organisations receive due consideration in more general grant and procurement processes, such as the department's Safe Places Emergency and Accommodation Inclusion Round (Inclusion Round). The Inclusion Round provides capital grants to fund the building, renovation or purchase of new emergency accommodation for women and children experiencing violence. The most recent round includes a focus on First Nations women and children, among other cohorts. As such, the Selection Advisory Panel will have the opportunity to prioritise the recommendation of First Nations organisations, or organisations staffed or led by First Nations people, when considering relevant applications.

## Reforming the way services are contracted, funded, delivered, reported on and evaluated

The portfolio recognises simply transferring services to community-controlled and First Nations-led organisations is not enough to address all elements of Priority Reform 2. As such, the portfolio is undertaking a range of work to change the way it funds services and works with ACCOs and other First Nations-led organisations to deliver these services.

For example, Hearing Australia is working with Aboriginal and Torres Strait Islander community health organisations (ACCHOs) to build culturally informed and sustainable pathways of care for First Nations people with ear disease and hearing loss. This work includes a focus on building ACCHO capacity through developing Shared Hearing Service Plans (Plans) in partnership with individual ACCHOs. These Plans include a focus on what Hearing Australia can do to support each ACCHO.

Further details of this work are included in **Attachment A** as a case study of positive transformation to support Priority Reforms 2 and 3. It demonstrates how Hearing Australia values ACCHOs and is committed to working alongside them to improve service delivery for First Nations people. Lessons from this case study can inform other similar work across the Commonwealth.

The department's Improving Multi-disciplinary Responses (IMR) Program provides another example of efforts to support and further build the capacity of the community-controlled sector. It is an exemplar case study of partnering with First Nations people and successfully addressing barriers experienced by First Nations organisations when applying for Commonwealth Grants.

The IMR program is aimed at strengthening service models to effectively and proactively support First Nations families, children and communities experiencing multiple and/or complex needs to reduce the drivers of child abuse and neglect. Details of this case study are outlined in **Attachment A**. Key elements include co-designing the IMR grant with First Nations people and revising the grants process to improve

accessibility for applicants. These changes received positive feedback from First Nations organisations applying for the grant.

The IMR program provides an example of transforming the grants process for a single project. It is acknowledged that to achieve systemic change examples like this one need to be examined and replicated wherever possible to successfully transform organisation level processes. This is supported by the portfolio's approach to developing formal strategies to guide portfolio and agency or department-wide transformation in response to Priority Reform 3, discussed in **Section 4**.

[Organisation level reform](#) – The department is undertaking work to reform its grants administration system. The aim of this reform work is to improve the cultural capability of grants staff, promote shared governance with First Nations organisations, and improve the accessibility of the grants process for First Nations organisations. Further details of this work are included in **Attachment A**. The grants administration reform case study demonstrates the department's commitment to systemic change under Priority Reforms 2 and 3. This work has the ability to drive ongoing, systemic transformation within the portfolio and across the Commonwealth through agencies who use the department's grants hub system.

This work also forms a key area of focus for the department's participation in the design and development of the Priority Reform 3 Monitoring and Accountability Framework, led by the Department of the Prime Minister and Cabinet. This creates a clear opportunity to make sure the necessary underlying systems and structural changes needed to support the sustainable transformation of the department's grants administration system, will be considered through a medium to long-term accountability lens.

## The role of broader government processes in the context of Priority Reform 2

The portfolio recognises the importance of improving broader government processes around contracting and service delivery to enable implementation of the other Priority Reforms. This has been reiterated in circumstances where pre-existing processes have impeded the portfolio's engagement with First Nations people and communities.

For example, challenges have arisen where there is conflict between new policy proposals that advocate for community-led solutions and Budget processes that require detailed policy parameters. In some cases, the extent of this detail cannot be provided before engagement with communities on design and implementation. This can hinder genuine community-led approaches.

Areas across the department have also heard feedback from First Nations people about the need for more flexibility in grants to allow for community-led solutions.

These issues relate to Draft Recommendation 4 in the draft report, which proposed central agencies lead changes to Cabinet, Budget, funding and contracting processes. Readers are directed to the Commonwealth Submission for a consolidated response from Commonwealth agencies in response to this Draft Recommendation.

## 4. Priority Reform 3 – Transforming Government Organisations

**Note:** content in this section relates to Information Request 3 (*transformation of government organisations*) in the draft report.

Priority Reform 3 commits governments to making systemic and structural transformation “to ensure [they] are accountable for Closing the Gap and are culturally safe and responsive to the needs of Aboriginal and Torres Strait Islander people.”<sup>3</sup> This includes transforming both government agencies and the service providers they fund.

The portfolio recognises the important foundation Priority Reform 3 provides for implementing the other Priority Reforms and achieving the National Agreement’s socio-economic targets. It is also noted the portfolio has a key role in transforming systems and services that First Nations people, families and communities interact with directly. This includes First Nations people with disability and those who experience disadvantage and/or vulnerability.

There is meaningful work already underway to transform systems, services and processes across the portfolio. Much of this work is informed by the voices of First Nations people, communities and organisations. In some cases, it also has the potential to inform change across the broader Commonwealth.

This work provides evidence of the portfolio’s genuine commitment to implement Priority Reform 3. Some of it has already been discussed in the context of Priority Reform 1, such as the transformation of government practices around decision-making in the Safe and Supported case study. Examples have also been discussed in the context of Priority Reform 2, such as the IMR program case study and its changes to the grants process.

The rest of this section outlines the portfolio’s strategic approach to implementing Priority Reform 3 and other tangible examples of action towards systemic transformation across the portfolio. Discussion of these examples highlight where the structures, operations and decision-making across agencies have been, or are being, changed in response.

### A strategic approach to implementing Priority Reform 3

The draft report emphasises the importance of developing formal strategies to guide government-wide transformation in response to Priority Reform 3.

The portfolio has undertaken considerable work aimed at improving the strategic implementation of Priority Reform 3, and the other Priority Reforms. The department, through its Closing the Gap Taskforce, performs a key strategic coordination role to facilitate this work across agencies comprising the Social Services portfolio. This includes Services Australia, the NDIA, the NDIS Commission, Hearing Australia, the

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<sup>3</sup> Productivity Commission (2023), ‘Priority Reform 3: Transforming government organisations’, *National Agreement on Closing the Gap Review Draft Report*, p.45.



Australian Institute of Family Studies, and the Domestic, Family and Sexual Violence Commission.

These agencies collaborate closely on work to implement Priority Reform 3.

[Supporting governance mechanisms](#) – A number of officer-level and Senior Executive cross-agency committees are used to help facilitate this collaboration. Discussions include a focus on identifying where collective effort would be the most useful to drive progress and address common barriers. The committees also act as forums to share ideas, information and lessons learned.

These committees feed into a biannual meeting of portfolio Agency Heads. The dedicated bi-annual focus of this group on the National Agreement was established in 2023, and helps provide strategic direction and leadership for how the portfolio should implement the National Agreement. It also provides advice to and shares information with the Commonwealth Secretaries Board, which is responsible for setting the strategic priorities of the Australian Public Service.

These arrangements help ensure that transformation across the department and other portfolio agencies is not isolated.

[Strategic work](#) – The portfolio has undertaken a range of work to identify where it needs to focus efforts to implement Priority Reform 3, and how it can ensure it is accountable for progress towards transforming organisations. Some of this work was highlighted in Information Paper 4 accompanying the draft report.<sup>4</sup> A visual summary of this work is provided at **Attachment B**.

In April and May 2023, the department undertook a stocktake of all initiatives across the portfolio that contributed to Priority Reform 3. This stocktake was captured in a visual Roadmap (see **Attachment C**) that categorises each initiative by the core function area they align to (i.e. policy; governance; program/delivery; enabling; organisational culture and capability). The Roadmap also outlines where each initiative sits in terms of maturity:

- **Emerging** initiatives are at the starting phase of implementation. This involves exploring and developing solutions to identified issues. Importantly, it is also the phase where partnerships with First Nations people, communities and organisations are formed, and shared decision-making processes established.
- **Established** initiatives are at the phase where implementation is well underway. It can involve the testing of new approaches or solutions to identified issues. Governance arrangements that promote equal participation and representation of First Nations people should be well in place.
- **Embedded** initiatives should be well established. They have reached the phase where learnings are identified and used to help ensure sustainable, systemic change is embedded into the organisation.

Over time, the portfolio aims to ensure all initiatives on its Roadmap reach the ‘embedded’ phase of maturity. However, many initiatives are still in the early

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<sup>4</sup> See pages 31-32 of the Productivity Commission’s *Information Paper 4: Priority Reform 3, Transforming Government Organisations*.

‘emerging’ phase and the portfolio also acknowledges that more needs to be done to create genuine, lasting change in the way it works with and for First Nations people.

The portfolio has also developed theories of change for initiatives to embed the Priority Reforms. These describe the desired outcomes of the initiative, how these outcomes are expected to be achieved, and how success will be measured.

Importantly, the Theories of Change and Roadmap will help ensure the portfolio is accountable for the progress it makes to implement Priority Reform 3. This will be enabled by a bi-annual Priority Reform 3 Report Card (the Report Card). The Report Card will hold portfolio agencies accountable for ensuring progress is being made under the Roadmap and Theories of Change. The Report Card will be provided to the Agency Heads at their biannual meetings.

Other strategic work includes the identification of barriers and opportunities across the portfolio to implementing the 6 transformational elements under Priority Reform 3. Importantly, this work is focused on a First Nations person-centred perspective of barriers and opportunities. It was informed by feedback from First Nations people received through a range of recent mechanisms including consultations, Royal Commission submissions and customer insights. Findings from this work are being used to ensure activities across the portfolio address what has been heard about key barriers and opportunities.

This work demonstrates the strategic approach the portfolio is taking around Priority Reform 3. It is acknowledged the portfolio lacks a formally documented strategy to guide implementation. The portfolio takes this opportunity to recognise the value such an official strategy would provide. This existing work provides a strong foundation for the portfolio to develop one.

The rest of **Section 4** discusses specific transformation efforts underway to improve First Nations people’s experiences with the services and systems delivered by the portfolio.

## Understanding what systemic and structural changes are needed

The portfolio’s governance mechanism is assisting to provide a more considered focus on work required to understand the change needed to achieve the breath of transformation under Priority Reform 3. A range of positive work is occurring across the portfolio.

For example, Services Australia is investigating opportunities to ascertain customer experience of racism when dealing with the agency. The results of this work will be used to identify and prioritise systemic change.

Services Australia is also transforming its National Indigenous Coalition forum – the agency’s peak internal Aboriginal and Torres Strait Islander forum. The reimagined forum will work to identify and prioritise Aboriginal and Torres Strait Islander outcomes aligned to Services Australia’s:

- master plan, which outlines the agency’s vision and goals over the next 5 years and how it will achieve them
- Closing the Gap Implementation Plan.



This highlights how Services Australia is proactively creating opportunities for First Nations people to be involved in identifying areas the agency should focus to improve outcomes for First Nations people.

Another example is the NDIA's work to develop a new First Nations Strategy, which will address the priority issues and opportunities faced by First Nations people with disability. As mentioned in **Section 2**, this work is being done in partnership with FPDN, and with the advice and governance of the First Nations Advisory Council, which includes First Nations people with disability as members.

The Strategy will outline the goals the NDIA will work towards, and the actions the NDIA will take, to improve outcomes for First Nations people with disability. These actions and goals will be specific to how the NDIA works to improve the participation, experience and outcomes for First Nations people with disability. Importantly, this work – and the change it creates – will reflect the goals and aspirations self-determined by First Nations people with disability.

Both of the previous examples reflect efforts to understand what change is needed at an organisation level. This is also seen in the department's work to transform its grants administration system, previously discussed in **Section 3**. The first stages of this work, which is now complete, involved identifying the barriers and opportunities for First Nations organisations in accessing community grants. The findings of this work, including feedback from First Nations organisations themselves, have directly informed the reform work outlined in **Attachment A**.

Discussion below outlines specific efforts being undertaken to identify and create change at the program and service level.

## Improving the cultural safety and responsiveness of programs and services

The portfolio is undertaking considerable work to improve the programs, services and systems with which First Nations people and communities engage. This is an important part of the portfolio's work under the National Agreement, given the extensive, direct reach these services and systems have into people's lives.

One example is the Bespoke (Aboriginal and Torres Strait Islander) Service Centre Design being undertaken by Services Australia. This work was briefly highlighted in *Information Paper 4, Priority Reform 3: Transforming Government Organisations*, which accompanies the draft report.<sup>5</sup> It is also included in more detail as a case study in **Attachment A**.

In short, the Bespoke Service Centre Design aims to improve the experience of First Nations customers who access face-to-face services provided by Services Australia. This work was informed by research to understand the issues faced by First Nations customers. Overall, this example demonstrates how face-to-face services across the Commonwealth can be transformed to better meet the needs of First Nations people.

Another sound example is the work occurring to build the cultural safety and capability of the National Redress Scheme (the Scheme). To help achieve this, the department

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<sup>5</sup> See page 32 of the Productivity Commission's *Information Paper 4: Priority Reform 3, Transforming Government Organisations*.

has funded 12 Indigenous-specific Redress Support Services under the Scheme. There are also dedicated efforts to improving the cultural safety of other organisations and staff involved in the Scheme's delivery. The details of this are outlined in **Attachment A**. As a case study, this work reiterates the importance of transforming mainstream services to provide better supports for the First Nations people who engage with them.

Action is also occurring through the department's Closing the Gap Outcomes and Evidence Fund (the Fund), which also contributes to Priority Reforms 1, 2 and 4. The Fund supports First Nations people, communities and organisations to co-design, trial and evaluate projects in high priority locations that address Targets 12 and 13 under the National Agreement. The department co-designed the program with Coalition of Peaks representatives, and co-designing individual projects with local First Nations stakeholders within flexible parameters to ensure funded projects align with self-determined community needs and priorities.

The Fund also has an innovative reporting and evaluation approach where progress towards individual and community outcomes will be measured using co-designed and First Nations-specific quantitative and qualitative indicators. This demonstrates a significant shift in how the department works with First Nations people.

Hearing Australia is building culturally informed and sustainable pathways of care for First Nations people with ear disease and hearing loss. This includes work to transform how Hearing Australia partners with ACCHOs to improve services, as outlined in **Section 3** and **Attachment A**. It also involves trialling telehealth and the use of allied health assistants. If successful, this will allow ACCHOs to take greater responsibility for the ongoing management of their clients as they progress along the treatment pathways. This example highlights how working better with community-controlled sectors can help transform services for First Nations people.

The NDIS Commission has also recently established an Indigenous and Remote Operations team within its Regulatory Operations Division. The team is working collaboratively across the NDIS Commission to establish a program of work, complimentary to work in other divisions, that is focused on quality and safeguarding people in First Nations and remote communities. The NDIA is further advanced in its establishment of similar, parallel initiatives. As such, the NDIS Commission will draw on learnings from the NDIA and mirror successful activities where appropriate. This shows how learnings from work within individual agencies is helping to inform broader progress under Priority Reform 3, within the portfolio.

## Transforming broader sectors

The portfolio recognises that mainstream sectors and workforces also need to transform to improve service delivery to and outcomes for First Nations people and communities. As such, the portfolio is undertaking work to facilitate this change in the sectors it engages with.

For example, the department is progressing a program of work to develop the cultural awareness and trauma responsive skills and capability of the child and family sector workforce. The department is working with SNAICC to progress this initiative. The program will ensure organisations and workforce who work with First Nations clients are better able to deliver prevention and early intervention services that are culturally aware and trauma and healing-informed.

Considerable efforts are also occurring to transform the disability sector. For example, the NDIA has established a Children's Taskforce, which aims to strengthen the focus on and improve equitable outcomes for all children and their families within the NDIS regardless of geographical location. This work included consultation with Early Childhood Partners to understand how they apply the practice of cultural safety when working with First Nations families and communities. Early Childhood Partners are local organisations with specialist skills who the NDIS funds to deliver the early childhood approach in urban and regional areas. The NDIA now has specific expectations that Early Childhood Partners establish place-based, collaborative relationships with First Nations organisations to ensure the provision of culturally safe and early supports for children younger than 6 and their families.

To be more responsive and build a tailored model for supporting early childhood in remote and very remote (RVR) Australia, the Children's Taskforce consulted broadly with the early childhood sector and community-led organisations in RVR Australia. This consultation built the NDIA's understanding of the challenges and barriers to accessing NDIS supports and the successful ways of working with RVR communities. The consultations have also informed the development of a set of principles that may be used to guide future engagement. Clear information has been developed for RVR communities to help children and families access the support they need, including trialling an Evidence of Developmental Delay form for RVR.

Another example is the NDIS Workforce Capability Framework published by the NDIS Commission. This framework describes the attitudes, skills and knowledge expected of all workers funded under the NDIS. It gives clear, practical examples and establishes a shared language of 'what good looks like' for participants when they receive NDIS supports and services. Importantly, the framework includes a range of culturally appropriate resources for recruitment of First Nations workers to support First Nations NDIS participants.

The *Closing the Gap Disability Sector Strengthening Plan* (Disability SSP) is also helping to drive change across the disability sector, with a particular focus on supporting Priority Reform 2. The Disability SSP was developed by FPDN as the relevant peak organisation, in conjunction with key government organisations, including the department and the NDIA.

Through the Disability SSP, the department is undertaking work to improve the cultural safety and accessibility of services for First Nations people with disability. The Disability SSP is offered as a resource to governments to be used over the next 3 years to prioritise, partner and negotiate beneficial sector-strengthening strategies. The Disability SSP also aligns with *Australia's Disability Strategy 2021-2031*.

For example, a Cultural Model of Inclusion: Organisational Assessment Tool is being developed under the Disability SSP. The department, in partnership with the FPDN and the Western Sydney University, is leading this work. The Cultural Model of Inclusion recognises the diversity of cultures, languages, knowledge systems and beliefs of First Nations people. Once developed, it will provide an evidence-informed tool for organisations in the disability sector to assess their cultural safety and responsiveness. Ultimately, the Organisational Assessment Tool aims to ensure services for First Nations people with disability are culturally safe and inclusive. This further highlights how the portfolio is actively seeking to improve service delivery across the disability sector.

## Improving portfolio agencies' internal leadership and cultural capability

The portfolio recognises training and workforce-focused initiatives should not be the end of efforts to implement Priority Reform 3. However, it is also recognised that these initiatives are important for ensuring staff have the right skills, knowledge and understanding to work effectively with First Nations people. This is particularly crucial for staff who deliver services to or otherwise engage directly with First Nations people and communities. It is also important for all staff who make or influence decisions on policies and programs that impact First Nations people.

To this end, agencies across the portfolio are engaging in a number of initiatives to improve staff's cultural capability, as well as ensure leadership to drive implementation of the National Agreement.

For example, the NDIA aims to improve leadership and accountability through establishing a new Deputy Chief Executive Officer (DCEO) role. This role will focus on improving outcomes for First Nations participants in the NDIS. It will also focus on working with First Nations communities to co-design services and increase the quality of the NDIA's engagement. The DCEO will be accountable for planning, leading and delivering significant outcomes and work with strategic, political and operational significance to the NDIA. The NDIA intends to fill the role using Affirmative Measures – First Nations<sup>6</sup>.

Similarly, the department aims to improve leadership through its Senior Executive (SES) roles. The department expects SES to provide strong leadership on implementing the National Agreement, noting all roles have direct interaction with First Nations people, communities and employees. As such, from August 2023 all SES roles in the department have been classified as Identified<sup>7</sup>. This means it is mandatory for relevant SES recruitment processes to assess the cultural competency of applicants – candidates must meet the relevant criteria to be found suitable.

The National Agreement is also a standing agenda item for various agency specific committees. For example the department's Program Committee focuses on common issues around program delivery across the department and oversees the implementation of key activities. It is being used as a platform for considering transformational change through a department-wide strategic lens and to champion tangible action where needed.

Portfolio agencies are also providing education (e.g. training) and other opportunities for staff to deepen their understanding of First Nations people, culture and experiences. Importantly, these actions are aimed at addressing the prejudice and discrimination First Nations people face. They also assist staff with unpacking unconscious bias. This helps to address specific issues (e.g. racism) occurring in the present, as well as prevent issues in the future.

Other internal initiatives include communications encouraging staff to be curious about the National Agreement and embed the Priority Reforms into their work. They also

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<sup>6</sup> *Affirmative Measures – First Nations* refers to jobs that are only open to First Nations applicants. This is part of a Commonwealth government plan to boost employment for First Nations people.

<sup>7</sup> *Identified* refers to jobs that require applicants to demonstrate an understanding of the issues and challenges affecting First Nations people.

include methods to recognise staff who have demonstrated outstanding commitment, through their work, to achieving better life outcomes for First Nations people.

These initiatives are important for fostering a culture that prioritises the National Agreement and Priority Reforms, and values the change created under them.

## 5. Priority Reform 4 – *Shared Access to Data and Information at a Regional Level*

**Note:** content in this section relates to Information Request 4 (*Indigenous data sovereignty and Priority Reform 4*) and Information Request 5 (*legislative and policy change to support Priority Reform 4*) in the draft report.

Priority Reform 4 is focused on shared access to data and information with First Nations people and communities at a regional level. It requires governments to implement large-scale changes to data systems and practices to enable First Nations people to participate in decision-making about data and the use of data for their own purposes.

Indigenous data sovereignty (IDS) has been loosely defined by some interested parties as the right of Indigenous people to exercise ownership over Indigenous data. The department is aware ownership may be expressed by some parties as the creation, collection, access, analysis, interpretation, management, and dissemination of data, however legal recognition at the Commonwealth level does not currently exist. This submission notes the draft report's comments on differing interpretations as to whether IDS is included under the remit of Priority Reform 4 as per its current wording, and provides the following observations.

The portfolio is committed to sharing data appropriately, safely and lawfully with First Nations communities and organisations, in line with Priority Reform 4. This commitment is demonstrated by its work to improve data sharing, and in how the portfolio partners with First Nations people around data. The submission recognises some of this work is still in the early stages and that more needs to be done. However, there are notable examples of more progressed work across the portfolio. In some cases, these efforts aim to ensure IDS is embedded in the way data and evidence is developed and used across the portfolio.

The rest of this section discusses the portfolio's response to Information Request 4 regarding the difference between Priority Reform 4 and IDS, and Information Request 5 regarding challenges in implementing Priority Reform 4. It also includes examples of the portfolio's work to implement Priority Reform 4.

### Differences between Priority Reform 4 and Indigenous Data Sovereignty

The portfolio sees a distinction between Priority Reform 4 (as currently worded) and IDS. Notably, Priority Reform 4 has a focus on data sharing and partnering with First Nations people, communities and organisations around data. This includes a focus on providing granular level data to First Nations people where possible. However, the remit of IDS is seen to expand beyond this. As mentioned above, IDS has a specific

focus on the right of First Nations people to exercise ownership over the data about them. This goes to how such data is controlled and maintained.

The portfolio notes there are potential benefits to including IDS as an explicit objective under Priority Reform 4. For example, it could help provide a common authorising environment for government initiatives related to IDS. However, there are also a number of practical and legal considerations around implementing IDS in the portfolio. For example, there may need to be changes to how the department and other agencies would need to conduct and manage mainstream research (beyond data collection and sharing) where it involves any interactions with or implications for First Nations people.

The portfolio notes an Australian Public Service Framework for Governance of Indigenous Data is being developed by the Commonwealth. Readers are directed to the Commonwealth Submission for further detail on this work.

## Legislation impacting Priority Reform 4

Social Services portfolio legislation prescribes strict rules around how certain information (protected information) must be handled. This includes the purposes for which protected information can be collected and how that information can be subsequently used or disclosed. Where information of First Nations Peoples, communities and organisations is collected under these laws, these statutory information handling requirements will apply.

A large amount of protected information managed by the portfolio, is also personal information and may be sensitive information (noting sensitive information includes information or an option about an individual's racial or ethnic origin) and requires particular treatment to ensure compliance with the *Privacy Act 1988* (Privacy Act). As such, the portfolio's ability to lawfully collect and share data with First Nations Peoples, communities and organisations can be constrained. In addition, data not collected under specific Social Services portfolio legislation, but which is still deemed to be personal information, will remain subject to the information handling obligations prescribed for under the Privacy Act. Priority Reform 4 may also be impacted by responses to the recent review of the Privacy Act by the Attorney-General, noting the Commonwealth Government's response to the review was released on 28 September 2023 on the Attorney-General Department's website.

Amendments to existing legislation would be needed to enable greater flexibility in how data relating to, or that is about, First Nations peoples, communities and organisations, can be handled and shared. A consideration of the impact of such legislative changes would also be required.

## Examples of work to progress Priority Reform 4 and Indigenous Data Sovereignty

In some cases, the portfolio already publicly shares data for use by researchers, organisations and communities. For example, disaggregated data on the NDIS is shared through the NDIS website through interactive tools, downloadable files and reports and analyses. The department also publishes data that is aggregated to Local Government Areas and Statistical Area 2 (SA2) to allow community groups and researchers to self-service.



However, it is recognised this alone cannot achieve the aims of Priority Reform 4. As such, the portfolio is also undertaking various initiatives to enable and improve data sharing with First Nations people, organisations and communities.

An example of this is the Community Data Projects under the National Agreement, specifically work on the Blacktown proof of concept. This initiative was briefly mentioned in the draft report.<sup>8</sup> It is also included in more detail as a case study in **Attachment A**. In short, the department is contributing to a proof-of-concept project regarding the approach to sharing data with the Blacktown First Nations community. This work is being done in partnership with NIAA, the NSW Coalition of Peak Organisations, Department of Premier and Cabinet NSW and Aboriginal Affairs NSW. It reflects an innovative shift in how governments approach data sharing with First Nations people, linking back to Priority Reform 3.

There is also a range of other work occurring within the portfolio. For example, the NDIA is reviewing its current data policies and processes through the lenses of Priority Reform 4 and the IDS principles as they are currently understood.

The Improving Multidisciplinary Responses Program (IMR), included as a case study at **Attachment A**, provides an example of how Priority Reform 4 and IDS are being embedded into specific initiatives. As part of its design, the IMR program builds in independent design and evaluation expertise support for the grantees to help the organisations build their capability in program design, data collection, monitoring and evaluation. This is part of the IMR's transformative approach to how the department designs and delivers grants and programs (linking this work back to Priority Reforms 2 and 3).

Other specific examples of work to implement Priority Reform 4 are outlined below.

[National Housing and Homelessness Data Sharing Protocol \(Protocol\)](#) – The Protocol is the foundation for the Commonwealth and states and territories to share housing and homelessness data. It was finalised in May 2023 and supports the Housing and Homelessness Ministerial Council to progress its data priorities. These priorities include Clauses 27 and 28 of the Protocol, which focus on addressing Indigenous Data Governance and IDS, and are consistent with the *Closing the Gap Data Development Plan 2022-2030*. Ultimately, the Protocol will help embed Priority Reform 4 and IDS across the portfolio, and broader government, in the housing space.

[Data sharing with ACCHOs](#) – Hearing Australia has made a notable effort to share data with ACCHOs to support the delivery of services for First Nations people with ear disease and hearing loss.

When Hearing Australia sees clients in Outreach settings, such as ACCHOs, they are seeing the clients on behalf of the ACCHOs. This requires data to be shared with the ACCHO, with the client's consent. Where possible, Hearing Australia's staff are provided with direct access to the ACCHO database so they can enter it into the client record. If this is not possible, a report summarising each client appointment is provided to the ACCHO. This means that the data is directly available to the service for both the provision of treatment and analysis and service improvement activities. This is of

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<sup>8</sup> See page 59 of the Productivity Commission's *National Agreement on Closing the Gap Review Draft Report*.



particular importance where the ACCHO is receiving hearing health services from more than one provider.

Data collection and management also forms a specific section of the Shared Hearing Services Plans (Plans) (previously discussed in **Section 3**) between ACCHOs and Hearing Australia. The 6-month and annual reviews under the Plans provide opportunity for the ACCHO and Hearing Australia to measure progress and the outcomes of their activities. Hearing Australia also shares disaggregated data from national and regional levels with the ACCHO to provide content when planning next steps.

This work provides a positive example of how data can be shared with First Nations organisations to deliver services to First Nations people across Australia.

[Data sharing with First Nations partners and communities](#) – The department's Stronger Places, Stronger People initiative (SPSP) provides a positive example of work to share data with First Nations communities and leadership groups. SPSP is a community-led, collective impact initiative the department stewards in partnership with state and territory governments and 10 communities, including First Nations people and communities, across Australia. It aims to shift disadvantage and improve outcomes for children and their families through aligning efforts to a local and evidence-driven strategy, developed by communities with their partners.

The community-led initiatives that are supported by SPSP receive funding for a local team to facilitate local planning, engagement, data access and analysis, measurement and evaluation, and to drive systems change. Through SPSP, government partners also enable communities to access the data they need to define solutions that are informed by community engagement, evidence and data, and to make shared decisions.

One First Nations community partner, Alister Ferguson from Maranguka, provided the following feedback around their experiences in accessing data through their SPSP partnership:

“The Stronger Places, Stronger People team has delivered on shared access to data (priority reform 4), providing our community for the first time with a picture of the Commonwealth grants and by working with our NSW government partners to provide the picture of their contracts. This progress as part of our Stronger Places, Stronger People partnership, is self-determination in action.

The request for this data was made by Maranguka and the Bourke Tribal Council, before our Stronger Places, Stronger People partnership, this was a big black hole for Bourke. We are using this data for shared decision-making (priority reform 1), with our government and service delivery partners to ensure our local children, young people and families are better supported.”

– reflection from Alister Ferguson, Maranguka, Bourke, NSW

This comment reiterates the importance of enabling First Nations people and communities to access the data about them to shape better outcomes. It also highlights the benefits of doing so, emphasising the need to continue progressing work under Priority Reform 4.

*IDS in the family and domestic violence space* – The department is undertaking work to build the evidence base for First Nations people in the space of family, domestic and sexual violence. This work aims to enable progress to be measured against Target 13 of the National Agreement through nationally representative datasets.

The Commonwealth has committed \$15 million over 5 years for this initiative in its 2023-24 May Budget. The department is exploring options for how it can best work with First Nations researchers/led-research organisations and First Nations communities to implement this initiative.

The approach to this initiative aims to test and develop principles for co-designing with First Nations communities and people with lived experience. The department will also work with the Australian Institute of Aboriginal and Torres Strait Islander Studies, the NIAA and the Closing the Gap Coalition of Peaks Data Group to consider IDS approaches as part of developing evidence and data eco-systems. This provides an opportunity to develop principles on how data should be kept, shared and used after collection.

## 6. Summary of Attachments

- Attachment A** – Case studies from across the Social Services portfolio
- Attachment B** – Visual diagram of the portfolio’s strategic approach to Priority Reform 3
- Attachment C** – Roadmap of Social Service portfolio initiatives to implement the Priority Reforms
- Attachment D** – Full response received from the First Peoples Disability Network