

Attachment C – Commonwealth Response to Information Requests

Information Request	Response
<p>Information Request 1: Effectiveness of policy partnerships</p>	<p>Attorney General’s Department</p> <p>National Office for Child Safety (NOCS)</p> <p>AGD acknowledges the wealth of knowledge held by First Nations peoples, organisations and communities and the need to strengthen partnerships between First Nations peoples and governments to share decision making and improve policy and place-based approaches. The National Office for Child Safety in AGD is working with First Nations Elders, leaders and clinicians with expertise in child sexual abuse and related harms to develop a shared design and decision-making mechanism/s to ensure our work is designed and implemented in a way that meets the needs of First Nations children and young people, families and communities. The mechanism is being designed based on a partnership model that will deliver benefit to both the First Nations people engaging in the mechanism and Government. This mechanism will complement other National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030 consultation mechanisms including the National Strategy Advisory Group and National Clinical Reference Group.</p> <p>Justice Policy Partnership</p> <p>The Justice Policy Partnership (JPP) heard from the Productivity Commission in relation to its Draft Review on the National Agreement on Closing the Gap. Much of the Commissioners’ reflections resonated with the experience of JPP representatives.</p> <p>The JPP will make a submission to the Productivity Commission’s Draft Review, outlining some of its key challenges as well as the opportunities to progress towards achievement of targets 10 and 11.</p>

Department of Education

The Early Childhood Care and Development Policy Partnership (ECPP)

The ECPP has formalised shared decision-making and accountability with First Nations peoples as equal partners with governments.

First Nations members and partners are supported by the Peaks co-chair, SNAICC, and co-secretariat through pre-briefing and de-briefing processes to facilitate consensus-building and ensure the cultural safety of meetings and decision-making.

The ECPP was endorsed by the Joint Council on Closing the Gap in August 2022 and received funding in the October 2022 Budget of \$10.2 million over three years (2022-23 to 2024-25).

SNAICC, National Voice for our Children, as the Peaks co-chair, received a grant of \$4.9 million to support their role as co-chair and co-secretariat.

The Agreement to Implement the ECPP specifies an initial period of operation in line with the term of the National Agreement on Closing the Gap July 2020, signifying the intent to extend the Partnership beyond its current resourcing period.

In line with clause 33 of the National Agreement on Closing the Gap, commitment to adequate funding through ongoing resourcing is necessary to support Aboriginal and Torres Strait Islander parties to be partners with governments in formal partnership. The primary function of the ECPP is to make recommendations to the Joint Council about improving early childhood outcomes of Aboriginal and Torres Strait Islander children.

Since its establishment, the ECPP has endorsed its Partnership Agreement to Implement and agreed six policy priorities to take forward in its Year One work plan. To provide transparency and accountability, these documents have been published on the Commonwealth Department of Education's website, alongside summary outcomes from each meeting.

In recognition of the holistic scope required for the ECPP, parties also agreed the inclusion of additional representatives as partners to the forum as part of its Agreement to Implement. This enables the ECPP to have cross-portfolio representation to support a joined-up approach across early childhood systems, including education and care, health, and child safety.

In this way, the ECPP is operating to ensure a focus on the social determinants of child wellbeing and safety and addressing siloes across government to ensure a joined-up, child-centred focus across early childhood sectors and policy areas.

Department of Health and Aged Care (DOHAC)

Are adequate support structures (such as resourcing and sufficient timeframes to provide views) in place to enable the participation of Aboriginal and Torres Strait Islander people and organisations? What else would help to support participation?

As the national peak body for Aboriginal and Torres Strait Islander social and emotional wellbeing mental health and suicide prevention, Gayaa Dhuwi (Proud Spirit) Australia (GDPSA) is funded to support First Nations members and provide joint secretariat and policy support for the Social and Emotional Wellbeing Policy Partnership (SEWB PP) in partnership with the Department of Health and Aged Care. Funding is available for GDPSA to commission research, engage experts, undertake community consultations, develop and analyse data, and implement initiatives as determined by the Partnership. GDPSA is also funded to engage with the community to seek advice and identify experts, including people with lived experience.

How do policy partnerships build accountability into their structure and governance?

The SEWB PP agreed Principles of Partnership and Shared Decision Making within the Agreement to Implement. This affirms all members need to have appropriate negotiation and decision-making authority and be able to coordinate and present a representative position (jurisdictional, organisational or independent).

The Agreement to Implement also states a quorum needs to be met in order for agreement by all Parties for any actions out of the Partnership. A meeting quorum is six of the Aboriginal and Torres Strait Islander Parties and six of the Government Parties.

Are the policy partnerships the right mechanism to address change across the five sectors? Are there other mechanisms that would be more effective?

The SEWB PP is proving to be an effective and unique way to bring together First Nations and government representatives to collectively discuss, agree and progress key priorities to improve outcomes.

[Department of Infrastructure, Transport, Regional Development, Communications and the Arts \(DITRDCA\)](#)

The Office for the Arts (OFTA) in DITRDCA is responsible for supporting the operation of the Languages Policy Partnership (LPP) under Closing the Gap (CtG). Policy Partnerships - including the framework, representation, composition, targeted policy priorities and allocated funding - are an effective mechanism that can deliver change within communities. There have been three meetings of the Languages Policy Partnership to date and these have enabled the partnership to identify policy priorities within the sector including scoping for potential national legislation and sector strengthening.

DITRDCA also established a Directions Group to provide guidance on the International Decade of Indigenous Languages. This partnership was established consistent with Priority Reform 1 under the National Agreement. Aspects of partnership were embedded through the process, including co-ownership of Australia's National Action Plan for the International Decade - Voices of Country, which was jointly launched on 23 August by the Directions Group and the Minister for Arts, the Hon Tony Burke MP.

[Social Services Portfolio – includes consolidated input from the Department of Social Services \(DSS\), the National Disability Insurance Agency \(NDIA\), Services Australia, Hearing Australia & the NDIS Quality and Safeguards Commission](#)

Please see the Commonwealth Social Services Portfolio Submission provided to the Productivity Commission for the portfolio's response to Information Request 1.

[National Indigenous Australians Agency \(NIAA\)](#)

The Commonwealth 2023 Closing the Gap Implementation Plan committed to a Policy Partnership Evaluation Framework which will evaluate the entirety of all current and future policy partnerships and is currently under development.

Information Request 2:
Shifting service delivery to
Aboriginal community
controlled organisations

[Department of Education](#)

The Department of Education is supporting the strengthening of Aboriginal Community Controlled Organisations (ACCOs) in line with the National Agreement on Closing the Gap.

[Early Childhood Education and Care](#)

Connected Beginnings has increased the number of services led by ACCOs from 4 to 21 between May 2022 and June 2023.

SNAICC is assisting the Department of Education to develop the ACCO Transition Framework for Connected Beginnings, and ECPP funding model options for the ACCO early years sector.

In 2023 the Community Child Care Fund Restricted (CCCFR) grant was expanded to First Nations led organisations in WA, NT, and QLD. This has established new, high quality early childhood education and care services in mainly remote and very remote areas to support First Nations children and families.

The ECPP has a key role in overseeing and driving the development of policy reforms outlined in the National Aboriginal and Torres Strait Islander Early Childhood Strategy and Early Childhood Care and Development Sector Strengthening Plan.

The ECPP, as the sector’s key partnership body between all governments and First Nations peoples, is supporting several actions in the early childhood space, including in Year 1:

- Commissioning SNAICC to lead research on funding models for ACCOs in the Early Childhood Education and Care (ECEC) sector, with a view to support accessible, flexible ECEC for First Nations children and families. A report is due to the ECPP by the end of this year
- A systematic review that will collate and analyse evidence relating to the number of hours and levels of access to ECEC across Australia to support the best education and wellbeing outcomes for First Nations children

- Commissioning a project aimed at identifying the collaborative efforts required across government to break down siloes and address social determinants of tertiary systems intervention for children and families. This is a key opportunity to work with other Policy Partnerships, including Justice and Housing, on cross-sector policy reform.

Case Study - Connected Beginnings

In the Commonwealth's Closing the Gap Implementation Plan, the Australian Government has committed to ensure that ACCOs lead and manage the Connected Beginnings program, enabling Aboriginal and Torres Strait Islander communities to own and lead the program.

The ACCO Leadership Transition Framework (Framework), developed by SNAICC and co-designed by the Department of Education, informs and guides the transition of the Connected Beginnings backbone role from non-Indigenous organisations to ACCOs where there is agreement and support from the respective communities. It intends to provide the principles and scope of responsibilities for ACCOs and non-Indigenous organisations in facilitating the transition of the backbone function.

It considers factors such as community readiness, strengthening partnerships, project handover and evaluation aspects for existing organisations or ACCOs keen to step into the Connected Beginnings backbone role. This ensures the sustainability of the work undertaken by ACCOs, mitigating the 'lift and shift' approach of transitioning mainstream services into community control.

Department of Employment and Workplace Relations (DEWR)

The Yarrabah Employment Services model was established in Far North Queensland in July 2018 to deliver a place-based approach to employment services. DEWR worked with the Yarrabah Aboriginal Shire Council to co-design and build a bespoke model for the delivery of employment services. The co-design process included face-to-face meetings with Yarrabah representatives and working with the council to plan and implement the transfer of employment services to Yarrabah. The process included a Flexible Funding Pool to assist Wugu Nyambil Ltd in delivering employment services and to build the capacity of the provider to deliver employment services that meet the needs of the Yarrabah community.

DEWR has been working closely with Aboriginal and Torres Strait Islander organisations, Peak bodies and service users in the redesign and replacement of some of its employment programs, namely ParentsNext and Time to Work Employment Services

as well as in the co-design of a place-based and community-delivered employment service model for Broome (to be completed by the end of 2023).

Department of Health and Aged Care (DOHAC)

The Department of Health and Aged Care is undertaking a review of funding recipients in programs and sub-programs that aim to improve health outcomes for First Nations people. The Department's Executive Committee has approved a four-year program of work to review programs, sub-programs and transition activities, where appropriate, to First Nations led organisations. The review will also examine broader population based and demand driven programs that should reasonably be expected to target First Nations health outcomes and identify benchmarks and opportunities for improvement.

An advisory group has been established to guide and inform the work of the First Nations Health Funding Transition Program. The advisory group is co-chaired by the First Assistant Secretary, Financial Management Division, and Dr Dawn Casey, Deputy CEO, National Aboriginal Community Controlled Health Organisation (NACCHO). Members have experience in the design, implementation and evaluation of First Nations health services across the primary care, workforce, aged care and evaluation sectors.

Attorney-General's Department (AGD)

In the 2022-23 Budget the Australian Government committed \$69 million over four years from 2022-23 for a National Justice Reinvestment Program, with ongoing funding for the program of \$20 million per year from 2026–27.

In the 2023-24 Budget, the Australian Government committed an additional \$10 million over four years to support justice reinvestment in the Central Australia region of the Northern Territory, under the \$250 million plan for *A Better, Safer Future for Central Australia*.

Justice reinvestment enables First Nations communities, including Aboriginal Community-Controlled Organisations (ACCOs), to identify local solutions to local issues, using the strengths of the community, cultural knowledge and stories to prevent and reduce First Nations contact with the justice system. It offers a way for communities to drive local solutions through improved collaboration and partnership with governments and service providers.

The National Justice Reinvestment Program has been established, informed by a productive national consultation process with 44 Aboriginal and Torres Strait Islander communities. Design consultations were led by the Jumbunna Institute for Indigenous Education and Research, and the procurement panel to select the design partner included an equal number of Aboriginal and Torres Strait Islander and government members, including a representative from the Coalition of Peaks, community members and justice reinvestment practitioners. A Grant Opportunity Guidelines Working Group with equal government and Aboriginal and Torres Strait Islander non-government representatives was established to consider recommendations from this consultation process, and to co-design the grant guidelines. This included representatives from Coalition of the Peaks members NATSILS and NFVPLS, as well as Aboriginal and Torres Strait Islander justice reinvestment practitioners. While the design of the grant guidelines allowed for considered input and agreement of core aspects of the grant process, including reforms where possible, these were limited by the broader grants administration framework. The work of the group highlighted the potential for broader reforms in this space.

From September 2023, justice reinvestment funding will be available for the National Justice Reinvestment Program and the Justice Reinvestment in Central Australia Program.

Recognising that justice reinvestment is an emerging field of practice in Australia, the Australian Government has prioritised readiness support for 15 communities nationwide. Following a national Expression of Interest process in April 2023, these communities will receive support for up to 12 months from a partnership of three Aboriginal led-providers. The readiness support is designed to build capability in key areas such as data and governance.

These measures will contribute to building a strong and sustainable Aboriginal and Torres Strait Islander community-controlled sector, delivering high quality services that meet the needs of Aboriginal and Torres Strait Islander people across the country.

[Department of Finance](#)

The Department of Finance has undertaken work to progress Priority Reform Two of the National Agreement, including clause 55(b). This includes issuing Estimates Memorandum 2023/02 to inform portfolio agencies of their responsibilities under the National Agreements and how clause 55(b) requirements can be considered when developing New Policy Proposals (NPPs). Finance continues to engage across its Agency Advice Units (AAUs) and with the other central agencies to work through the

	<p>best approach to implement Clause 55(b), including embedding the clause within Federal Funding Arrangements. Associated Agency Guidance was drafted in partnership by the Coalition of Peaks and the Department of the Prime Minister and Cabinet.</p> <p>Social Services Portfolio</p> <p>Please see the <i>Commonwealth Social Services Portfolio Submission</i> provided to the Productivity Commission for the portfolio's response to Information Request 2.</p> <p>National Indigenous Australians Agency (NIAA)</p> <p>NIAA are currently developing a business case for a Commonwealth-wide Grants Connected Policy to facilitate shifting service delivery to Aboriginal community controlled organisations. If adopted, this approach would mandate the prioritisation of Aboriginal and Torres Strait Islander organisations, particularly community-controlled organisations, where assessment criteria and value for money can be demonstrated. NIAA are also finalising a Prioritisation Guide to support agencies who wish to currently apply prioritisation practices to their grant rounds.</p> <p>Currently, Aboriginal and Torres Strait Islander organisations are prioritised in grant funding. As of September 2023, Indigenous organisations received 74% of \$6.323bn grant funding for 2,899 activities. Of the 1,442 organisations funded, 65% are Indigenous organisations.</p>
<p>Information Request 3: Transformation of government organisations</p>	<p>Department of Education</p> <p>The Department of Education is committed to and recognises the importance of First Nations employees' contributions to portfolio outcomes and Closing the Gap priorities and outcomes. The Department of Education has an ongoing Indigenous Business is Everybody's Business (IBEB) committee, which is co-chaired by our Indigenous Champions. This is an SES level committee that reports to the Executive Board and has SES representation from all Groups across the Department of Education. The Department has also launched a new Reconciliation Action Plan, endorsed by Reconciliation Australia, and embedded the Indigenous Procurement Policy in procurement processes.</p>

The Department of Education conducted an Appreciative Inquiry Summit, where SES and Executive leaders met to discuss cultural responsiveness and methods to create a culturally safe workplace for First Nations colleagues to thrive and has also conducted a First Nations Staff Conference in August 2023, as part of its development strategy.

The Department of Education is actively recruiting and developing Indigenous staff, through Indigenous apprenticeships and affirmative measure recruitment, as well as supporting participation in the NIAA lead Indigenous Development Employment Program. The Department has also appointed an Indigenous Liaison Officer to provide Pastoral Care for officers and provides the following training and development opportunities for all staff:

- Cultural Awareness training to all staff
- SBS Inclusion Program and AIATSIS Core training
- Aboriginal and Torres Strait Islander Mental Health First Aid Training

[Department of Employment and Workplace Relations \(DEWR\)](#)

As at 31 July 2023, there are around 91,000 First Nations people participating in Workforce Australia and Workforce Australia – Transition to Work. As there are more First Nations people participating in mainstream employment services it is important that these services are fit for purpose. To ensure that these mainstream employment services are fit for purpose the Commonwealth has established the Select Committee of the House of Representatives to examine the new Workforce Australia employment service. The Select Committee will report by end November 2023 and will provides a welcome opportunity to consider and propose any changes to mainstream employment services to ensure they can support the achievement of Priority Reform Three and Socio-Economic Outcomes 7 and 8.

[Case Study - First Nations Forum](#)

DEWR has undertaken a range of systemic and structural changes to improve accountability and respond to the needs of Aboriginal and Torres Strait Islander employees. For example, the Executive Level First Nations Forum is a dedicated Forum

managed by the First Nations Network with the aim of connecting First Nations Executive Level employees, with Senior Executives including Secretary Natalie James.

The Forum provides employees with the opportunity to engage with Senior Executives in conversation over a range of matters affecting them. This includes matters relating to the Network, the department's approach to reconciliation, employee wellbeing, professional development, career opportunities and mobility, matters relating to attraction and retention and more.

The Forum is managed by the Co-Chairs of the First Nations Network, who set agenda to ensure relevance of discussions to First Nations employees and maximise the outcomes of their engagement and exposure to the department's SES.

[Department of Infrastructure, Transport, Regional Development, Communications and the Arts \(DITRDCA\)](#)

It is important for senior leadership to model, advocate and promote safer work places throughout the APS, including key outcomes that target First Nations recruitment and retainment. The Department of Infrastructure, Transport, Regional Development, Communications and the Arts has recently established a new First Nations Partnerships division to build cultural capability across the department; partnering to engage and walk with First Nations peoples and communities, as well as deliver on its Closing the Gap and Reconciliation Action Plan commitments.

The department has established a First Nations Steering Committee to monitor, and provide accountability and momentum, across its First Nations outcomes work. The Steering Committee is chaired by the Secretary and has a shared leadership model with a minimum of 50 per cent First Nations membership.

The department has trialled the employment of Aboriginal and Torres Strait Islander people via a flexible, culturally safe affirmative measures recruitment process that supports the employment of staff across the department, recognising that not all Aboriginal and Torres Strait Islander people want to work specifically in Indigenous affairs, or related areas. The recruitment process facilitated Aboriginal and Torres Strait employees to work in regions of their choice, supporting connection to country.

The department provides support to the First Nations Digital Inclusion Advisory Group to lead engagement on Target 17. The Advisory Group has made recommendations on how the department, and government and industry more broadly, can improve its approach to working with First Nations Australians.

The department is also in the final stages of developing an internal Capability Uplift Suite focused on community engagement and partnership with First Nations peoples and communities. As part of this work, the department is developing a range of e-learning modules to provide detailed educational components covering all four Priority Reforms, and a practical learning program to support the department's community engagement and partnership. This will include embedding understanding on the importance of broad engagement, to reflect the diversity of Aboriginal and Torres Strait Islander peoples and communities.

Department of Health and Aged Care (DOHAC)

The Department of Health and Aged Care has implemented a tier 1 governance structure that is providing structural change in how we implement actions towards Closing the Gap.

The Closing the Gap Steering Committee (the Steering Committee), is driving the Department's efforts to embed the Priority Reforms in our day-to-day work. The Steering Committee is chaired by the Department's Chief Operating Officer, with membership comprising of senior Health Executives. To focus efforts, the Steering Committee has agreed a Closing the Gap Framework for Action. The Framework for Action identifies action areas to embed the Priority Reforms across the whole Department, recognising that change will only happen if we increase our efforts across all areas of the Department.

Australian Public Service Commission (APSC)

How have government organisations sought to address institutionalised racism? How have government organisations changed their organisational cultures and priorities to align with the principles of Priority Reform Three?

The APSC have launched the Cultural Capability Hub (the Hub) to support all staff use and apply the [Aboriginal and Torres Strait Islander Cultural Capability - A Framework for Commonwealth Agencies](#) (the Cultural Capability Framework) to strengthen cultural capability.

The Hub was led by the APSC in partnership with NIAA and the Department of Defence with support from subject matter experts from over 10 agencies, to determine how to uplift the cultural capability of the Commonwealth Public Service. It provides practical guidance and examples of how staff can apply the cultural capability knowing, doing and being model to demonstrate effective practices in becoming culturally capable. The Hub provides tangible guidance on how staff can take these teachings and apply them to in their operating environments. It offers examples and suggested adjustments staff can do/take to uplift their cultural capability and cultural responsiveness. The Hub highlights that in order to drive meaningful change to respond to the needs to First Nations people that they need to reflect on their own personal and cultural biases to then understand how these biases impact on First Nations people.

What overarching changes need to occur at the whole-of-government level to ensure that changes within government organisations are not isolated activities? What work have government organisations done to understand the systemic and structural changes that they need to make to improve accountability and respond to the needs of Aboriginal and Torres Strait Islander people?

The First Nations Unit (the Unit) are centralising current SES recruitment efforts to attract and retain First Nations senior executives. The SES100 will attract new senior executive recruits and promotions with ambition to reach 100 First Nations SES by 2024-25. The program connects new hires into existing First Nations SES Networks through networking and other events. The program will also support and strengthen the experience of cultural safety through building a cohort that is self-sustaining beyond the program to improve retention. It will deliver additional whole of APS SES bulk round recruitment; system-wide tracking and building the data and evidence base across First Nations employee lifecycles to understand the drivers of success and the reasons individuals leave the APS and/or discontinue development opportunities.

The Unit are further establishing a partnership agreement with the Coalition of Peaks, to develop an APS-wide First Nations employee value proposition (EVP) that positions the APS as an employer of choice to support recruitment and retention of First Nations people. There will be engagement with the Coalition of Peaks to ensure we are capturing what is required from the Community Controlled Sector.

The Unit will work with Secretaries Board and through other governance mechanisms to ensure baseline expectations of cultural competency and safety are built into Secretary and senior executive performance agreements, including through the APS Reform initiative to build Behaviour and Outcomes-Based Performance Management.

Cultural competency and safety

The Australian Government has committed to ensuring the APS is a model employer that sets the standard for diversity and inclusion. This includes a commitment to boost First Nations employment and to embed and practice meaningful cultural safety as part of the National Agreement on Closing the Gap. To support and drive this change SES employees must commit through their performance agreements to extend their own cultural learning, reflect on their own cultural perspectives, and demonstrate how they are contributing to culturally safe workplaces, programs and policies. A high level of cultural competence drives successful, diverse workforces, using cultural difference as a strength for more effective decision making, innovation and adaptability.

There is work underway to better support Chief Operating Officers (COOs) embed, promote and be accountable for building cultural safety across the service.

Department of Agriculture, Fisheries and Forestry (DAFF)

In July 2023, DAFF launched its First Nations Platform for Shared Benefits to guide the department's work to deliver the government's First Nations policy priorities and commitments, providing an ambitious and enduring plan for First Nations inclusion.

What work have government organisations done to understand the systemic and structural changes that they need to make to improve accountability and respond to the needs of Aboriginal and Torres Strait Islander people?

The First Nations Platform is a journey DAFF started over two years ago, to understand systemic and structural changes required to improve accountability and respond to the needs of First Nations people. We started from the recognition that, by incorporating First Nations knowledge, ideas, and innovations into our everyday business, our capabilities and ways of working will be enriched.

Through the First Nations Platform, we are confident that we will generate shared benefits in agriculture, fisheries, and forestry.

How have government organisations changed their organisational cultures and priorities to align with the principles of Priority Reform Three?

Our Purpose, Objectives, Priorities, Vision, and Values (POPVV) Statement includes – for the first time – a First Nations Commitment, describing our approach to work in partnership with First Nations people, both internally and externally, across all aspects of our work.

As part of this commitment, we have developed the First Nations Platform which is reflected in our corporate plan and articulates the principles, priorities, and actions we will take as an organisation to generate shared benefits with First Nations across the spectrum of our business.

How have these changes been reflected in government organisations’ structures, operations, and decision-making?

The importance of the First Nations Platform lies in its ability to align our Corporate Plan, Purpose, Objectives, Priorities, Vision and Values, and departmental capabilities into a cohesive roadmap. It facilitates effective planning through a high-level view of the department's First Nations policy priorities and serves as a reference point for decision-making.

The department’s Executive Board maintains ownership and accountability of the First Nations Platform. Given the cross-cutting nature of this work, ultimate control and oversight of the Platform must be embedded in the department’s broader corporate architecture and high-level governance structures. As such, the department’s enterprise reporting framework is intended to build in reporting of our progress on our First Nations Commitment against our POPVV.

The First Nations Platform, corporate objectives and strategic governance arrangements and will be reviewed annually by the department’s executive leaders.

What overarching changes need to occur at the whole-of-government level to ensure that changes within government organisations are not isolated activities?

The First Nations Platform goes to the heart of our work and who we are as public servants, committed to achieving the best results for the Australian community and government. This is not a one-time endeavour; it marks the beginning of a sustained

and meaningful partnership by the department with First Nations interests to find avenues for achieving broader economic, health, social and cultural benefits.

In embracing this transformative change, we recognise that a whole-of-department approach is critical to embedding inclusion across everything we do. In doing so, we believe that we will not only deliver better outcomes for First Nations people but be able to leverage the unique assets and knowledge that First Nations people bring; and work with them towards our vision of a more sustainable and prosperous Australia through biosecurity, agricultural production, and trade.

What role should truth-telling play in implementing Priority Reform Three?

Truth-telling is critical to Priority Reform Three. Australians have a shared history of colonisation and to truly be culturally competent as a department, we must acknowledge and tell the truth about Australian history and its ongoing impact for Aboriginal people, and we should understand how the past continues to shape lives today.

The lived experiences of First Nations people is important in this regard as well.

Department of Industry, Science and Resources (DISR)

How have government organisations changed their organisational cultures and priorities to align with the principles of Priority Reform Three? / How have these changes been reflected in government organisations' structures, operations and decision-making?

DISR's Stretch Reconciliation Action Plan (RAP) contains several initiatives designed to transform DISR. This includes increasing cultural safety through building cultural competency, reviewing anti-discrimination measures and increasing First Nation representation across the organisation, including at senior levels. We have committed to undertaking a review of our internal policy suite to ensure that they achieve a high level of inclusivity for First Nations staff and stakeholders.

Our Stretch RAP also focuses on increasing our capability to build relationships and partner with First Nations People, Communities and particularly businesses. This includes stretch targets for First Nations procurement and a commitment to increase the amount of partnership arrangements with First Nations organisations.

The department established a RAP Implementation team approximately three years ago to lead the establishment and implementation of our RAP commitments. This function is supported within the department by two RAP Champions at the Senior Executive level. We note the recently established APS RAP Champion network and envisage that this will be an important whole-of-government initiative to drive outcomes particularly in Priority Reform Three.

DISR has also responded to the Cabinet Handbook updates by establishing a central coordinating team to help build capability and understanding of how Closing the Gap can be built into different policies and programs aligned with the First Nation Impact Assessment process requirements.

What overarching changes need to occur at the whole-of-government level to ensure that changes within government organisations are not isolated activities?

DISR is steadily introducing systematic changes to the way it represents, integrates, designs and implements First Nations perspectives, experiences, cultures and knowledges throughout our department's work.

Within DISR, we have a small team who leads the coordination of responses across the department to support capability uplift and understanding of the Closing the Gap Agreement and embedding Priority Reforms in ways of working. The team is encouraging all areas across the department to consider how they can contribute to their own cultural capability uplift and create policy and program actions aligned with the Agreement.

Case Study – National Measurement Institute & Northern Australian Aboriginal Kakadu Plum Alliance

The, NMI, is currently engaged in significant programs in support of First Nations bushfood businesses. These include a collaboration, commenced in 2017, working with the Northern Australian Aboriginal Kakadu Plum Alliance (NAAKPA). NMI's contribution in the NAAKPA engagement is premised on technical support and guidance as well as chemical and microbiological measurements. NMI has successfully supported NAAKPA in the areas of regulatory compliance for trade, food safety and understanding the nutritional value proposition of their bushfood commodities. Examples include novel bushfoods such as green ants and Terminalia canescens tree tea (Jilungin tea). As of September 2023, NMI is also now assisting NAAKPA with a request to provide technical guidance and training for establishment of a microbiological screening facility, to be located in Darwin.

Attorney-General's Department (AGD)

Beyond the formal outcomes under the National Agreement, AGD has specific resources and work streams dedicated to embedding the Priority Reforms which sit under a broader whole of agency transformation strategy.

AGD recognises that more needs to be done to achieve the truly transformation change required by Priority Reform Three, but has commenced this work with a number of initiatives:

1. AGD is working to understand systemic and structural changes required by mapping First Nations focused work across the department.
2. AGD has rolled out and piloted cultural awareness programs to address institutionalised racism.
3. A First Nations Liaison Officer has been appointed and a cultural safety framework and cultural protocols are under development.

AGD is adopting the new APS SES performance framework. Under the Framework, assessment of behaviour (how outcomes are delivered) is core to an individual's performance. All SES employees will have expectations of behaviours and outcomes as a core requirement in performance agreements and performance assessments. While expectations of behaviour can be determined between the SES employee and their supervisor, performance agreements must include a commitment to demonstrating how individual SES will extend their own cultural learning, and demonstrate how they are contributing to culturally safe workplaces, programs and policies.

AGD has recently appointed its inaugural First Nations Inclusion Liaison Officer (FNLO). The purpose of the FNLO is to enhance the experiences of Aboriginal and Torres Strait Islander staff, by:

- Reducing the burden of cultural load First Nations employees carry stemming from the consultancy support they provide to the department on programs and policies that impact Aboriginal and Torres Strait Islander peoples
- Improving career development and progression opportunities for First Nations employees

- Promoting greater cultural safety and providing culturally appropriate support to First Nations employees, and
- Improving formal and informal data collection about Aboriginal and Torres Strait Islander employee experiences, through regular check-ins with First Nations employees.

AGD is consulting current and former staff to develop an Indigenous Recruitment, Retention and Professional Development Strategy. The Strategy is expected to be launched in 2024 and will assist us to meet the First Nations employment targets set out in the department’s Diversity and Inclusion Strategy (5% at APS4-EL2, 3% at SES level).

AGD is also developing a location strategy that will include two pillars. The culture pillar is relevant to this information request. The department is striving to have an inclusive workforce which is reflective of our diverse country; one potential enabler of this is to ensure we are able to access talent nationally. A proposed principle within the strategy is “Ensure workplaces strengthen diversity and inclusion”. AGD will ensure workplaces support participation for all people from diverse backgrounds, including those with specific location and workplace requirements. For example, this may include enabling First Nations Peoples to remain on Country if they would prefer and the role can be performed remotely.

AGD recently launched a new Candidate Information Kit (CIK) as part of our attraction strategy, which expresses our commitment to diversity and inclusion.

In September 2022, AGD launched an Indigenous Mentoring Program. The program aims to provide our Aboriginal and/or Torres Strait Islander colleagues with a program to support them through all aspects of their career.

AGD continues to progress additional initiatives aimed at improving cultural capability, eliminating racism and supporting the principles outlined in the National Agreement on Closing the Gap. These include:

- Working towards a target completion rate of 70% for Indigenous cultural awareness training
- Providing an anonymous reporting mechanism for inappropriate behaviours
- Increasing the size of our workplace support officer (WSO) network (who support staff who have experienced inappropriate behaviour) and increasing their visibility

- Promoting our Employee Assistance Program, in particular, the First Nations hotline that provides additional specialist support to First Nations people
- Developing a Cultural Safety Framework that cultivates a practical sense of what cultural safety means across our workforce
- Chairing the portfolio First Nations subgroup. The purpose of the subgroup is to drive cross-portfolio engagement on the transformational change required to implement the Priority Reforms under the National Agreement on Closing the Gap. It also provides opportunities for First Nations networks and staff across the portfolio to come together, and to identify opportunities to harness the positive work occurring across the APS more broadly
- Examining and updating corporate frameworks and governance to embed the Priority Reforms into our structures, ensuring a systems-driven approach to embedding them (for example through our Ministerial Submission templates, risk framework, and departmental engagement strategy).

[Australian Tax Office \(ATO\)](#)

To support their clients, the ATO continues to work with key organisations and other agencies to provide tailored services, such as:

- Working with First Nations Foundation to support their Financial Wellness Week events and helping the community register for tax file numbers (TFNs), link to myGov and find lost super
- Offering Tax Help services including free tax return preparation through community centres, with nearly 30 centres specifically supporting Aboriginal and Torres Strait Islander Australians in Tax Time 2022.

[Australian Electoral Commission \(AEC\)](#)

At a whole of agency level, the AEC has focused on implementing a range of programs to enhance Indigenous participation in elections and referendums.

The AEC has an Indigenous Electoral Participation Program (IEPP) which is focused on working together with Indigenous communities and Indigenous service providers to deliver enrolment services, education sessions and community engagement. Between 2018 and 2023, the IEPP has expanded employing a number of Indigenous engagement officers nationally and establishing partnerships with Indigenous service providers. IEPP works alongside local communities and service providers to deliver culturally appropriate services.

In addition to engagement activities, the AEC has implemented a range of strategies to close the enrolment gap between Indigenous Australians and the general population. This has included expanding the AEC's Federal Direct Enrolment and Update (FDEU) Program, changes to evidence of identity requirements to introduce Medicare cards and targeted communication campaigns.

Through a multi-pronged approach, the estimated Indigenous enrolment rate has grown from 74.7% in 2017 to 94.1% in June 2023, demonstrating a significant increase. The estimated Indigenous enrolment rates are published on the AEC's website.

The AEC has established Identified APS Community Electoral Participation Officer positions, with a focus on remote areas. The AEC has also introduced Identified First Nations Polling Assistant positions to enhance Indigenous representation as part of the AEC's Temporary Election Workforce.

[Social Services Portfolio](#)

Please see the *Commonwealth Social Services Portfolio Submission* provided to the Productivity Commission for the portfolio's response to Information Request 3.

[Department of Treasury](#)

In March 2023, Commonwealth Treasury established a dedicated First Nations Policy Unit (FNPU) to coordinate Closing the Gap activities and lead work on First Nations matters including aligning relevant policy work under Treasury's remit with the National Agreement commitments and reconciliation accountabilities.

Treasury's Reconciliation Action Plan (RAP), established in 2021, focuses on organisation-wide transformation and will sit alongside the First Nations Community of Practice (FNCoP), established in late 2023.

The FNCoP will build Treasury’s central agency and portfolio policy capabilities to better consider First Nations matters and share decision-making with the relevant First Nations stakeholders during policy development, implementation and evaluation.

National Indigenous Australians Agency (NIAA) and the Department of the Prime Minister and Cabinet

Priority Reform Three

What work have government organisations done to understand the systemic and structural changes that they need to make to improve accountability and respond to the needs of Aboriginal and Torres Strait Islander people?

In partnership with the NIAA, the Department of the Prime Minister and Cabinet (PM&C) is leading work to develop a Monitoring and Accountability Framework (the Framework) to measure and drive cultural, systemic and structural transformation across the Australian Public Service (APS). PM&C are collaborating with the Centre for Aboriginal Economic Policy Research at the Australian National University to develop this Framework.

The Framework will provide all Commonwealth agencies and Secretaries with:

- Practical guidance as to what success looks like in embedding the Priority Reform Three transformation elements (clause 59 of the National Agreement) and implementing Priority Reform Three in a way that is meaningful from a First Nations perspective
- An evidence-based measurement/reporting tool to monitor their agency’s progress.

The Framework is being developed in consultation with the Coalition of Peaks and other APS agencies and incorporating Aboriginal and Torres Strait Islander-led expertise. The draft Framework will be developed in 2023 and then tested in the Department of Infrastructure, Transport, Regional Development, Communications and the Arts and the Social Services portfolio (Department of Social Services, National Disability Insurance Agency, Services Australia) in 2024 before fuller roll out to APS agencies.

PM&C is leveraging its central position within the Government to collaborate with other central agencies and departments, to identify strategic opportunities to embed the Priority Reforms and support the relevant systemic and structural transformation.

How have government organisations sought to address institutionalised racism?

In April 2023, the Partnership Working Group (PWG) commissioned an Indigenous-led research report to provide recommendations to Government for enhancing cultural safety and confronting institutional racism aligning with Clause 59 of the National Agreement. The aim of the research is to ensure that all central government institutions and agencies operate devoid of institutional racism and actively embed cultural safety as standard practice. This commitment is made in collaboration with Aboriginal and Torres Strait Islander communities. The research report, completed in August 2023, provided advice and 13 recommendations to guide the establishment of standards and principles. Key highlights include:

- National strategies suited for implementation by specialised working groups
- A universal definition of cultural safety with guiding principles for understanding and implementation
- Approaches tailored for both nationwide application and specific jurisdictional or local contexts
- Methods to detect and address unconscious bias.

The report is due to be considered by the PWG working Group in early October 2023.

How have government organisations changed their organisational cultures and priorities to align with the principles of Priority Reform Three?

By the end of 2023, the Commonwealth will release a comprehensive suite of Allyship resources. Developed through culturally-sensitive consultations with Aboriginal and Torres Strait Islander Commonwealth employees, these resources will be implemented across the APS for non-Indigenous APS employees. The Allyship toolkit focuses on promoting understanding of Allyship within the Australian Public Service (APS) context, and aims to:

- Increase non-Indigenous APS employees' comprehension and commitment to Allyship with Aboriginal and Torres Strait Islander communities
- Provide tools and strategies that enhance cultural safety in the workplace
- Drive transformational changes within government
- Offer specific tools and resources to promote Allyship, thereby lightening the cultural load on First Nations employees
- Challenge potential racial bias or harmful behaviours
- Strengthen the cultural safety of Aboriginal and Torres Strait Islander APS employees
- Amplify the momentum towards Priority Reform Three objectives.
- Support the broader government ambitions like the APS Reform Agenda.

How have these changes been reflected in government organisations' structures, operations and decision-making? / What overarching changes need to occur at the whole-of-government level to ensure that changes within government organisations are not isolated activities? / What role should truth-telling play in implementing Priority Reform Three?

In response to a coordinated approach to Priority Reform three, the Commonwealth, led by the National Indigenous Australians Agency, is expediting the development of the Priority Reform Three Strategy, to be delivered prior to the expected mid-2024 implementation plan date.

The Priority Reform Three Commonwealth Strategic Direction is intended to serve as an overarching policy, ensuring that changes within government organisations reflect a whole-of-government approach and are not isolated activities. NIAA is developing the strategy through extensive research, consultations, and collaborations with Peak organisations and Aboriginal and Torres Strait Islander entities. This strategy will emphasise mutual decision-making and a comprehensive understanding and review of individual government's organisations' structures and operations.

	<p>NIAA is considering the integration of bespoke action plans, co-developed with communities and endorsed by Peak bodies, with an appropriate monitoring mechanism. A notable element of the action plan process is the cultural landscape assessment to integrate historical contexts to highlight and incorporate the importance of "truth-telling" in strengthening partnerships, refining design strategies, and eliminating institutional racism within the Commonwealth. A future conceptual design proposal for the strategy is to integrate an online platform, designed for real-time public engagement, enhancing transparency, accountability, and performance.</p> <p>Voice Referendum</p> <p>The referendum to recognise First Nations people through enshrining an Aboriginal and Torres Strait Islander Voice (Voice) in the Australian Constitution was held on 14 October 2023. The referendum did not pass. The Government is considering next steps and remains committed to listening and working in partnership with Aboriginal and Torres Strait Islander people and communities to achieve better outcomes.</p>
<p>Information Request 4: Indigenous data sovereignty and Priority Reform Four</p>	<p>Department of Education</p> <p>Early Childhood Education and Care</p> <p>The Early Childhood Care and Development Policy Partnership (ECPP) co-secretariat will support the ECPP to engage in other First Nations data sovereignty and sharing processes with any specific data or evidence it develops throughout its term.</p> <p>As referenced in the Draft Report, Connected Beginnings enshrines self-determination and First Nations data sovereignty through community level data dashboards, allowing sites to access accurate, current, and meaningful health and education data.</p> <p>Data pipelines have been established with data custodians to remove the burden of data access on communities. However, the Department of Education recognises that further work is required to support structural change and increase access to relevant data and information for First Nations people.</p>

The Department of Education considers that learnings from the Connected Beginnings program could be applied to other measures, to support the implementation of Priority Reform Four.

[Case Study - Connected Beginnings](#)

The Department of Education, Department of Health and Aged Care, SNAICC and National Aboriginal Community Health Organisations, have developed a series of dashboards which track short, medium and long-term program impact. These dashboards are shared back to community using site specific data for each individual community's dashboard.

At the Commonwealth level, the Department of Education gathers information on Federal and State & Territory funded programs such as childcare, primary school, preschool and maternal and children health clinics. At the site level, site teams have been asked to collect data from local community driven initiatives that provide culturally appropriate early childhood support to First Nations children and their families. Community voice is used to inform the Data Dashboards, with the newest Australian Early Development Census feature dashboard created from site identified priorities.

Data Sharing Arrangements have been established with State and Territory Departments of Education, and Department of Social Services to share learning program attendance, preschool enrolment, KPI, and Communities for Children data back to Connected Beginnings site teams through the Data Dashboards. This allows backbone teams to concurrently use live, locally aggregated data with community voice to support informed decision-making. As a tangible measure of promoting self-determination within communities, the process of collecting, collating and visualising data allows communities to choose the indicators that matter to them and their children.

A governing Data Strategy has been drafted to map data-related activities, priorities, and outcomes. The core priority of the program's Data Strategy is ensuring self-determination through Indigenous Data Sovereignty (IDS) being embedded throughout the Program at all levels of data activity. The Department of Education acknowledges that the expertise and cultural authority lies with First Nations people; development of an IDS Framework will require engagement of an Indigenous organisation.

Data projects are being driven at the site-level around the collection of relevant data, progress tracking and outcome measurement. To scale these efforts, reduce burden, and mitigate siloed activities, the Department is monitoring progress

and providing support and resources. Furthermore, data pilots have been initiated in Western Australia, in collaboration with the Minderoo Foundation and Telethon Kids Institute, to improve site-ingested data.

Schools

The Department's Indigenous Education Consultative Meeting (IECM) made a submission to the Productivity Commission's Review of the NSRA in which IECM members (external First Nations education stakeholders) stated the importance of access to data in enabling self-determination. Per the submission, improving public reporting on schools funding and outcomes will enable greater transparency and accountability to community, leading to better outcomes overall. Members highlight the need to enable a shared understanding of the inputs, opportunities and needs, which will support collaboration and achievement of shared aspirations.

[The Department of Infrastructure, Transport, Regional Development, Communications and the Arts \(DITRDCA\)](#)

In collaboration with the First Nations Digital Inclusion Advisory Group, the Department of Infrastructure, Transport, Regional Development, Communications and the Arts launched the First Nations Data Map on 3 October 2023. It provides a user-friendly online tool to assist First Nations communities in decision making and advocating for their connectivity needs. It consolidates a number of existing data sets across the telecommunications, media and broadcasting sectors.

[Social Services Portfolio](#)

Please see the *Commonwealth Social Services Portfolio Submission* provided to the Productivity Commission for the portfolio's response to Information Request 4.

[National Indigenous Australians Agency](#)

[Governance of Indigenous Data](#)

While there are similarities and shared aspirations between Priority Reform Four and Indigenous Data Sovereignty (IDS) (as represented through the [Maiam nayri Wingara](#) principles), there are also important differences. Successful implementation of

Priority Reform Four would partially, although not entirely, align with the first three rights and principles of IDS. This includes the right to control Indigenous data ecosystems; the right to contextual and disaggregated data; and the right to relevant data for self-determination/governance.

Despite their shared aspirations, there are some differences between IDS and Priority Reform Four:

1. **Key IDS advocates are critical of deficit-narratives**—though there is a genuine moral imperative behind the National Agreement, key IDS advocates are critical of the way that CANZUS Countries—Canada, Australia, New Zealand, United States—tend to view Indigenous peoples through the 5D’s of Indigenous data: disparity, deprivation, disadvantage, dysfunction, and difference. IDS advocates may seek Indigenous self-determination by moving away from 5D data, and more broadly focusing on measures of health and wellbeing, beyond the purpose of closing gaps between Indigenous and non-Indigenous populations.
2. **IDS asserts a greater right of control over the Indigenous data ecosystem**—IDS advocates argue with urgency for greater Indigenous self-determination and control over Indigenous data ecosystems. This would apply to all phases of the Indigenous data lifecycle—not just access to data that PR4 explicitly attempts to address. Further, rights asserted by IDS advocates are stronger than the requirement for “shared decision-making”—Indigenous communities and organisations should self-determine their priorities without sharing their decision-making powers with governments.

It would be inappropriate for the Australian Government to ‘implement’ data sovereignty on behalf of Indigenous peoples. However, governments can and should support Indigenous peoples’ right to self-determination by sharing data to enable shared-decision making and increasing awareness of the principles of IDS.

An APS **Framework for Governance of Indigenous Data** is being developed to promote greater awareness and acceptance by Australian Government agencies of the principles of IDS (expected completion by end of 2023). The Framework aims to provide Aboriginal and Torres Strait Islander people greater agency over how their data are governed so government-held data better reflects their priorities and aspirations.

Apart from the question of whether it is appropriate for government to implement IDS, if the National Agreement had IDS as an explicit objective of Priority Reform Four government would need to expand the scope of Priority Reform Four to include Indigenous ownership and control over Indigenous data (information and knowledge, in any format or medium) at all stages of the data lifecycle. This may necessitate legislative change, and changes to data custodianship arrangements. The National

	<p>Agreement would also need to undergo rigorous consultation to ensure any changes are consistent with Parties' expectations.</p>
<p>Information Request 5: Legislative and policy change to support Priority Reform Four</p>	<p>Department of Education</p> <p>As referenced in the Draft Report, Connected Beginnings enshrines self-determination and First Nations data sovereignty through community level data dashboards, allowing access to accurate, current, and meaningful health and education data. Data pipelines have been established with data custodians to remove the burden of data access on communities. However, the Department of Education recognises that further work is required to support structural change and increase access to relevant data and information for First Nations people.</p> <p>The Department of Education acknowledges challenges remain in the implementation of Priority Reform Four. For example:</p> <ul style="list-style-type: none"> • Australian Bureau of Statistics (ABS) disclosure rules prevent release of detailed information on small communities. Inability to access detailed data impacts ability to plan and deliver services to the most disadvantaged First Nation peoples. Adjustments to ABS disclosure rules would support access to detailed data on Indigenous communities, particularly in the Northern Territory. • The Commission's Draft Report advises that "Aboriginal and Torres Strait Islander people view Indigenous Data Sovereignty as the purpose of Priority Reform 4" however this is not a stated goal of the Government nor the Closing the Gap Priority Reforms. Further information on the concept, principles and how it fits within current legislation is needed. <p>The Department of Education notes that the National School Resourcing Board (NSRB) which provides independent oversight of different parts of the Commonwealth schools funding model, has previously highlighted the importance of improving the data available through the schools national evidence base. In its submission to the Productivity Commission's Review of the NSRA (National School Reform Agreement - Commissioned study - Productivity Commission (pc.gov.au)), the NSRB encouraged enhancement of the national evidence base by expanding the school level data that states and territories and school systems currently make available to include greater detail on the school funding allocated by governments and systems as well as</p>

	<p>expenditure at the school level, including enhanced ability to trace the source and application of funding overall and for specific groups (such as Indigenous students).</p> <p>Department of Employment and Workplace Relations (DEWR)</p> <p>One of the key barriers to providing data about First Nations people to First Nations organisations is privacy concerns, where sample survey response numbers are small and provision of data would enable individual identification. The impact of the nature and extent of familial relationships in the Indigenous communities subjected to sampling would also need to be considered in both the design of the sampling process and in sharing/disclosing results to other parties, particularly where the sample size & response is only just over the level whereby data can be successfully de identified.</p> <p>Social Services Portfolio</p> <p>Please see the <i>Commonwealth Social Services Portfolio Submission</i> provided to the Productivity Commission for the portfolio's response to Information Request 5.</p>
<p>Information Request 6: Characteristics of the organisation to lead data development under the Agreement</p>	<p>Department of Employment and Workplace Relations (DEWR)</p> <p>The organisation would need to have strong linkages – potentially via secondments – with the agencies that collect the data. They would also need to have the authority to ensure that the necessary processes were undertaken. This could be similar to the ABS's Statistical Clearing House, which, when operational, was required to check surveys to ensure that agencies were not over-surveying various groups, identify synergies with existing work, and provide guidance. There would need to be a strong educational focus to the work of the data lead – as the Priority Reform Four is perhaps the least understood within agencies.</p> <p>Social Services Portfolio</p> <p>Social Services portfolio feedback on the characteristics of an organisation to lead data development under the Agreement are set out below. This includes specific considerations from a disability lens, and the need to build data capability in smaller communities and organisations.</p>

Suggested characteristics and considerations

- Annual reporting to the Joint Council, like other structures under the National Agreement.
- Capability uplift and staff resourcing to build data capabilities in smaller community grass roots entities to give effect to an inclusive and diverse approach to data research, data development and data governance. This consideration was raised in the context of engagement with First Nations stakeholders in the family and domestic violence space:
 - *The Aboriginal and Torres Strait Islander Advisory Council was consulted on family, sexual and domestic violence on the May 2023-24 Budget measure on First Nations data research measuring progress towards Target 13. The Advisory Council advocated for an implementation approach to allow for community grass roots data research, not just academic data leadership.*
- From the cross-cutting disability outcome perspective, the lead organisation would need to be:
 - Authorised to seek, access and review existing government datasets
 - Advocate to government, especially around advice on gaps or areas for data improvement and appropriate data protocols
 - Hold governments to account for the appropriate collection and use of data
 - Be disability responsive and also have cultural competency, appreciating that models of data, reporting and outcomes can be seen by both the disability community and the First Nations communities as not aligned with social models of disability and cultural practices.
- An independent governmental function, such as the Productivity Commission, may provide appropriate authority and distance from the Executive. Further discussions with First Nations and disability representative organisations on the value of specific models would be needed.

- DSS notes the approach to data development would need to align with *Australia's Disability Strategy 2021-32*, which is also supported by several key implementation and reporting mechanisms, including an Outcomes Framework, Targeted Action Plans, Associated Plans, State Inclusion/Action Plans, and a Data Improvement Plan.

Potential examples to inform this work

DSS appreciates there are a number of similar emerging entities such as the National Disability Data Assets (NDDA) or the National Disability Research Partnership that could hold lessons for consideration of authority, capability and engagement with community.

The NDIA also suggested using the development of the NDDA as an example for barriers and ways forward.

National Indigenous Australians Agency (NIAA)

Governance of Indigenous Data

How might it apply principles of Indigenous data sovereignty and governance in data development?

The organisation could start by implementing the Framework for Governance of Indigenous Data which provides a stepping stone towards greater awareness and acceptance by Australian Government agencies of the principles of Indigenous Data Sovereignty.

NIAA notes the Productivity Commission's recommendation 1 (that an organisation be appointed to lead data development under the National Agreement) in responding to this information request.

NIAA considers that DRWG is made up of representatives from the Coalition of Peaks and all jurisdictions, and is co-chaired by the NIAA and the Coalition of Peaks. The initial focus of DRWG was to develop the Data Development Plan (a commitment in the National Agreement). The plan was agreed by the Joint Council on Closing the Gap in August 2022.

DRWG's current role is to monitor implementation and provide technical support to Partnership Working Group (PWG) on data and reporting issues, including:

- Providing an annual traffic light report on the implementation of the Data Development Plan to Joint Council
- Recommending changes / additions to the Data Development Plan
- Providing advice in relation to data collection to support the objectives of the National Agreement.

All Parties to the National Agreement are responsible for incorporating actions under the Data Development Plan as part of the governance of their ongoing Closing the Gap Implementation Plans (Clause 106). The inclusion of data items within those Implementation Plans reflect the responsibilities for delivery of Closing the Gap outcomes.

What governance structure would ensure it has the authority and capability to deliver?

A lead organisation would:

- Require appropriate authority – a new organisation should include representation or the voices of Aboriginal and Torres Strait Islander people as well as government agencies or research organisations with expertise in data
- Be required to engage with Commonwealth and state/territory agencies which have accountability within the Closing the Gap framework will be required
- Have the authority to ensure the implementation of data development is centred on the priorities of Aboriginal and Torres Strait Islander people and communities.

What capabilities, skills or attributes should the organisation's leadership and staff have?

A lead organisation would:

- Have expertise in navigating the data landscape and an ability/authority to pursue/initiate the collection or construction of appropriate resources

	<ul style="list-style-type: none"> • Provide data leadership in line with shared decision making • Have the ability to develop a shared understanding (with First Nations partners, data custodians and accountable agencies) of what data are relevant and appropriate to the Data Development Plan • Need to work in partnership with Aboriginal and Torres Strait Islander stakeholders and Partners and engage with each government agency, with transparent reporting and accountability through a regular monitoring mechanism. <p><i>How might it apply principles of Indigenous data sovereignty and governance in data development?</i></p> <p>The organisation could start by implementing the Framework for Governance of Indigenous Data which provides a stepping stone towards greater awareness and acceptance by Australian Government agencies of the principles of Indigenous Data Sovereignty.</p>
<p>Information Request 7: Performance reporting tools – dashboard and annual data compilation report</p>	<p>Department of Health and Aged Care (DOHAC)</p> <p>The dashboard and annual data compilation are useful for obtaining a snapshot for how certain targets are tracking.</p> <p>Recommend a review for consistency across targets in the dashboard e.g. most targets have a visualisation for the progress from the baseline (improvement, worsening or no change) but some don't e.g. target 14 and the rationale for this is unclear.</p> <p>It would be great to include a mapping function to enable the data be presented at the lowest geographical level possible to support place-based policy/programs.</p> <p>The Aboriginal and Torres Strait Islander Health Performance Framework (HPF) has a different purpose to the Agreement's performance reporting tools in that it provides a more comprehensive, up-to-date view of the state of Aboriginal and Torres Strait Islander health outcomes, health system performance and the broader determinants of health. The purpose of the HPF is to inform policy, planning, program development and research and is therefore accessed more frequently by our area than the Agreement's performance reporting tools.</p>

Attorney-General's Department (AGD)

AGD notes that the Attorney-General, along with the Minister for Indigenous Australians, has responsibility for Outcome 15 under the National Agreement on Closing the Gap.

The dashboard reporting for Outcome 15(b) (“[b]y 2030, a 15 per cent increase in areas covered by Aboriginal and Torres Strait Islander people’s legal rights or interests in the sea”) is out of date. Target 15(b) has already been met following a significant consent determination in the Torres Strait in November 2022 but the dashboard indicates “improvement but target not on track to be met” for this target. The Productivity Commission has advised that the dashboard entry for target 15(b) may not be updated until the end of 2023, which is a significant lag.

Social Services Portfolio

The Social Services portfolio has a mix of areas who use the National Agreement reporting tools in their work and those who do not for various reasons (outlined below). If data sources are available, the performance reporting tools and annual data compilation report can be relevant. The absence of data sources reduces the efficacy and relevance of these reporting tools particularly for Target 13 (family violence) as an example. Also, the reporting of target outcomes alone does not measure incremental progress on complex socio-economic issues which are widely recognised to need long term investment to positively impact the target itself but are improving the lives of First Nations people and communities.

General feedback on the reporting tools

The NDIA noted the Priority Reform Dashboard needs consideration and development on confirming the measures, data sources, and data providers. The Priority Reform Dashboard is currently a placeholder, and requires a whole-of-Commonwealth effort to complete, where measures can be aggregated to a Commonwealth Government reporting level while accounting for the very different ways in which the Priority Reforms can be operationalised across different portfolios, departments and agencies.

DSS noted generally the information and set up is well designed. However, it would be helpful to have clear outlines of data sources and clearly labelling dashboards.

The reporting tools as well as the Annual Data Compilation Report (ADCR) require the user to be confident with data reading and analysis. They are not set up for first time users. Depending on the target audience (i.e. the public) it may be hard to understand and engage with the way the reporting and dashboards are set up. First time users or people with lower data skills or exposure may find navigating the dashboards difficult.

Using the Productivity Commission's Dashboard when data is released, rather than at predetermined intervals throughout the life of the National Agreement, would be beneficial for agencies with responsibility for Targets to avoid a disconnect between the availability of new data and its reporting on the public face of performance reporting under the National Agreement.

There is not a specific disability target under the National Agreement, so the dashboard and ADCR are not a focus for work around **the Disability Sector Strengthening Plan** (Disability SSP). Instead, the Disability SSP reports through existing Joint Council mechanisms. Understanding how granular data provided as part of the ADCR and whether it could incorporate a disability flag or lens would be useful (or what the timeframe might be for such an approach).

DSS notes there are also likely to be findings emerging from the Disability Royal Commission and the NDIS Review in relation to the experiences of First Nations people with disability and the quality of reporting. This could relate to better identification of service gaps; funding flows; and outcomes.

[National Indigenous Australians Agency \(NIAA\)](#)

Who are the intended audiences for the dashboard and ADCR?

The dashboard and the Annual Data Compilation Report (ADCR) are important accountability mechanisms for all Parties to the National Agreement and a visible tool for the Australian population. The intended audience is broad, including all Parties to the Agreement (to inform policy and funding decisions), Aboriginal and Torres Strait Islander people and Communities (to empower informed advocacy and collaborative decision-making) as well as the broader public in respect of progress towards outcomes in the National Agreement.

How well do the dashboard and ADCR meet the needs of their intended audiences?

The Commonwealth regularly uses this information to inform policy and funding decisions; briefing and advice to Ministers; Implementation Plans; input into New Policy Proposals; annual reports; and reporting to the Closing the Gap governance network. This information is also regularly discussed at Closing the Gap governance meetings such as Joint Council and the Partnership Working Group to regularly track progress and discuss emerging issues.

Disaggregated and community-level information (or links to resources) would improve relevance and allow Aboriginal and Torres Strait Islander peoples to draw on evidence when working or advocating with government on policies and programs.

Are there features or types of supporting information that should be included in the dashboard or ADCR to support the use and interpretation of the data?

There are opportunities to improve the visibility of the source data that informs progress. A single resource that maps source data to corresponding outcomes (e.g. in a table) would provide a clearer overview of the complexity of reporting to support a better understanding of the breadth of data used, identifying data custodians and ministerial accountability. This expansion would also benefit by providing the timing of the next expected data update.

Note: data specifications attached to each outcome are comprehensive and complicated for a novice data user to understand. Similarly, target status information is included in the attached tables for each outcome, but difficult to access and not always able to provide a complete overview.

There are many supporting indicators (drivers and contextual information) with a status of 'under development'. It would be useful to know when these items will be updated, to inform the future direction of policy and program development.

What information should the Agreement's performance reporting focus on providing relative to other reporting frameworks and tools (for example, the Aboriginal and Torres Strait Islander Health Performance Framework)?

Data and reporting can be confusing and difficult to navigate. Visible links to connected, or aligned resources (without duplication) would assist Government and the Australian population to harness the information important to them and understand the data gaps.

	<p><i>Is there a need for additional reporting tools to support the intended purposes of monitoring performance against the Agreement?</i></p> <p>As noted in the previous point, data and reporting is confusing and difficult to navigate. While NIAA acknowledges the need for more relevant data for Aboriginal and Torres Strait Islander people, it is important to consider any increased reporting or tools with Aboriginal and Torres Strait Islander peoples’ needs at the centre, and the opportunity to harness or connect existing information or resources in a consolidated approach.</p> <p>Joint Council agreed in August 2022 to allocate funds from the shared resourcing pool to a project developing a measurement framework to report on progress against the Priority Reforms.</p> <p>NIAA has contracted the Australia and New Zealand School of Government (ANZSOG), on the strength of the high level of Indigenous leadership and cultural competency demonstrated in their application, to undertake the project. This work is jointly funded by all states and territories and the Commonwealth.</p> <p>At the time of writing, ANZSOG are due to deliver an interim report on the project to all Parties to the National Agreement, data custodians and other relevant stakeholders and partners in November 2023.</p> <p>The final project is due for completion in June 2024.</p>
<p>Information Request 8: Quality of implementation plans and annual reports</p>	<p>Department of Health and Aged Care (DOHAC)</p> <p>To enhance our response, we would appreciate more lead time to enable appropriate consultation and coordination with partners, internal stakeholders and interdepartmentally.</p> <p>A collaboration tool and digital solutions may be available to streamline the coordination of input to enable better partnering with Sector and a more robust approach within and across organisations.</p>

Social Services Portfolio

DSS notes the Productivity Commission's view on the quality of implementation and reporting. Various suggestions were received from areas across the Social Services portfolio on how implementation plans and annual reports could be improved (see below).

Suggestions for improvement

- DSS noted implementation plans and annual reports would be improved through an agreement of all parties that actions included must be specifically designed to support progress towards either the socioeconomic Targets or Priority Reforms. Where there may be benefit in reporting actions and those actions governments were already implementing or that are designed for a mainstream purpose but are predicted to have flow-on effects towards socioeconomic targets or priority reform, these should be clearly separated within the reporting structure.
- To support an intersectional approach and draw on existing mechanisms, this advice should also build on reporting mechanisms under the *Australia's Disability Strategy* and other significant national frameworks, plans and strategies. Improving the National Agreement reporting framework as a standalone item for action will not necessarily drive integrated change or leverage whole of government effort to focus on outcomes and improve reporting and accountability.

National Indigenous Australians Agency (NIAA)

Meaningful and effective implementation plans and annual reports require government agencies to engage with their Peak partners, NIAA line areas, and each other, before putting pen to paper. Pre-drafting consultation to set the expectations regarding engagement and to jointly develop the approach has proven successful in the build up to the 2023 Commonwealth Annual Report and 2024 Implementation Plan. Pre-established guidelines for engagement (refer 'Supporting doc – Engaging with the Peaks – Guidance Note') were provided to Commonwealth government agencies when tasking the development of the 2023 Commonwealth Annual Report and 2024 Implementation Plan as a way to set expectations for engagement in the context of current operating conditions.

In lieu of standardised templates which are not fit for purpose for each Party to the National Agreement, some measures to support alignment across Parties' reports and plans are:

- Sharing of templates and approaches prior to tasking; and
- Formal analysis of all published annual reports and implementation plans, by an external expert, to determine synergies and best practice that can be shared and carried forward.

Working in partnership across agencies and Peaks to understand the lived experience of the people and communities experiencing the implementation can support more useful and meaningful reporting and planning. Including:

- How local voices have been incorporated for positive outcomes;
- How data has been shared and to what effect;
- Enablers and barriers to progress;
- How working in partnership has impacted progress; and
- Whole-of-government approaches.

More conscientious application of the Closing the Gap Indicators to actions during implementation planning, as was a focus of the 2023 Commonwealth Implementation Plan Actions Table, will also support greater demonstration of how efforts, investment and action are aligned and support the achievement of Closing the Gap goals.

Further, there is scope to move away from siloed reporting and planning to a more cohesive approach across life outcome areas. This will support agencies to work together in a joined up way - across departments and with full consideration for the cross-cutting areas.

<p>Information Request 9: Independent mechanism in the broader landscape</p>	<p>Department of Defence</p> <p>Defence would welcome offering further information on the Indigenous Culture Advisory Group (ICAG), which is a governance body consisting of full Indigenous membership. The purpose of the ICAG is to provide independent advice on all Defence First Nations matters. The ICAG operates through a Chair held at the Band 1, with Terms of Reference.</p> <p>Defence could also provide further information on the Defence Aboriginal and Torres Strait Islander Network (DATSIN), which is an independent body that promote information exchange and support across Defence staff.</p> <p>The ICAG and DATSIN are both independent bodies that provide advice to shape policy, action, and engagement.</p> <p>Social Services Portfolio</p> <p>DSS notes that an independent mechanism would be best placed to ‘bring the landscape together’ with a strong quality assurance and oversight function. Suggested functions of this role are listed below.</p> <p>Suggested features and functions</p> <ul style="list-style-type: none"> • Developing advice for government agencies on the expectations of reporting such as the templates/structure of the National Agreement implementation and annual reports, and some form of assessment as to whether reporting is fit-for-purpose. • Noting the cross-cutting disability theme under the National Agreement, the independent mechanism would play a role in applying cohort or thematic lenses to existing data, such as in disability, where the National Agreement does not have an agreed target. • Review the National Agreement implementation plans and annual reports, and have the ability to report on those it does not deem meet the criteria set out in the National Agreement, as well as highlight best practice so parties can learn from one another and progress enhanced approaches.
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	<p>National Indigenous Australians Agency (NIAA) and the Department of the Prime Minister and Cabinet</p> <p>Priority Reform Three</p> <p>The Commonwealth is prioritising work to establish a Commonwealth Independent Mechanism. Led by the Department of the Prime Minister and Cabinet (PM&C) and the NIAA, this ongoing work will assess and analyse options of an appropriate mechanism/s for consideration by government in 2024. The Commonwealth remains committed to ensuring this work is developed in partnership with the Coalition of Peaks and other relevant stakeholders.</p> <p>Other projects might inform the Independent Mechanism work:</p> <ul style="list-style-type: none"> • Progressing the Monitoring and Accountability Framework, which will monitor, assess and report on government agencies' progress towards implementing Priority Reform Three • Development of a Priority Reform Three strategy, which will support the vision and action on how the Commonwealth will transform to meet the six transformation elements. <p>The Commonwealth acknowledges this work will not be implemented by the prescribed timeframes as prescribed in the National Agreement on Closing the Gap (by 2023) however remains committed to ensuring this work is established meaningfully, supports system and structural transformation and improves accountability to better respond to the needs of Aboriginal and Torres Strait Islander people.</p>
<p>Information Request 10: Senior leader or leadership group to drive change in the public sector</p>	<p>Department of Defence</p> <p>Defence would welcome contributing case studies on the Indigenous champions that are appointed to drive change in First Nations agenda. The Indigenous champions, AIRMSHL Robert Chipman (CAF) and Celia Perkins (DEPSEC SE) have played a critical role in advocating and supporting First Nations progress.</p>

[The Department of Infrastructure, Transport, Regional Development, Communications and the Arts](#)

There are currently sufficient existing senior leadership forums to progress the work of the National Agreement. The Commonwealth needs to focus efforts on reducing duplication across the forums and entities working on aspects of the National Agreement - for example, now that Secretaries Board is tasked with considering and progressing many First Nations policy measures, we need to revisit the remit of other groups, such as the Joint Working Group and supporting IA-IDC, to ensure they are still relevant and productive.

Publishing a clear Governance map on the vast array of working groups and committees in the Closing the Gap, and related policy space, would go a long way to assisting Government in identifying areas that are not functioning efficiently, where agencies could provide their expertise, and provide increased transparency and accountability.

[National Indigenous Australians Agency \(NIAA\)](#)

[Priority Reform Three](#)

The Commonwealth's Secretaries Board (the Board) is responsible for the stewardship of the Australian Public Service (APS), including identifying and setting the strategic priorities for the APS. This includes an elevated responsibility for driving the Closing the Gap Priority Reforms across the Commonwealth.

The Board's membership comprises the Secretaries of all Australian Government departments, the Secretary for Public Sector Reform and the Australian Public Service Commissioner. The Chief Executive Officer of the National Indigenous Australians Agency is also co-opted to the group as required on First Nations priorities and matters.

The Commonwealth's Joint Working Group oversees the Commonwealth's Closing the Gap Implementation Plan with the Coalition of Peaks. This group comprises representation by Deputy-Secretaries across 16 Commonwealth Departments and Agencies.

	<p>Through the Joint Working Group, senior Commonwealth officials and the Coalition of Peaks will be able to discuss priorities for Commonwealth action each year, work together to design actions and monitor progress of implementation.</p>
<p>Information Request 11: Sector specific accountability mechanisms</p>	<p>Department of Education</p> <p>Early Childhood Education and Care</p> <p>The department notes that the draft report (p.78) contains a quote from SNAICC, stating that ‘there is no explicit requirements for ECEC services to embed culture into their curriculum raising critical questions regarding their suitability, cultural safety and inclusivity of “mainstream” ECEC services for Aboriginal and Torres Strait Islander children and families’.</p> <p>Under the National Quality Framework (NQF) there is a requirement for services to deliver an educational program that is based on an approved learning framework.</p> <p>Approved learning frameworks have been reviewed and revised versions were released in January 2023. These versions strengthen Aboriginal and Torres Strait Islander perspectives throughout the frameworks, including in the vision, principles, practices and outcomes as well as supporting guidance and materials.</p> <p>This aligns with the guiding principles in the National Law about the NQF and Aboriginal and Torres Strait Islander cultures are valued and also the equity, inclusion and diversity principles that underlie the Law.</p> <p>The department also contracted the Australian Children’s Education & Care Quality Authority (ACECQA) in June 2021 to deliver quality and safety training to all Community Child Care Fund Restricted services. This included a particular focus on out-of-scope services, with face-to-face workshops and site visits included for these services. This training has been highly successful, for its creation of a culturally safe learning environment in which services can share information and learn from each other. Building on the learnings and outcomes from Stage 1, Stage 2 of the training began in January 2023 and will include the same level of support, as well as assessments on how the out-of-scope services have improved from Stage 1.</p> <p>The department has partnered with the South Australian (SA) and Northern Territory (NT) Regulatory Authorities to provide greater oversight of out-of-scope CCCFR services in these jurisdictions from 1 July 2022:</p>

- The partnership with SA will see all out-of-scope services in the jurisdiction visited by regulators and will ensure all services have a clear understanding of the NQF. It will also ensure that services have the necessary support and advice to facilitate a smooth transition to becoming a regulated service under the SA Education and Early Childhood Services (Registration and Standards) Act 2011.
- The partnership with NT will see all out-of-scope services in the jurisdiction visited by regulators. This will enable an audit to identify any risks on the quality and safety performance of the providers and ensure all services have a clear understanding of the NQF. To address any identified risks, the NT will make recommendations to the department on improvements to services that can potentially be addressed through additional funding, for either capital improvements or to improve sustainability.

The Department of Education continues to work with ACECQA and SNAICC to implement targeted initiatives to support the cultural safety of ECEC services, including the implementation of actions in the Early Childhood Care and Development Sector Strengthening Plan.

- For example, ACECQA and SNAICC are undertaking an assessment of the NQF and National Quality Standards Authorised Officer training, and supporting materials and resources, to address gaps and ensure they provide quality, culturally appropriate, and accessible supports to Authorised Officers and services for the regulation of ACCOs.

Schools

IECM's final submission to the PC's Review of the National School Reform Agreement reaffirmed the contemporary applicability of the 1989 *Aboriginal Education Plan* [National Aboriginal and Torres Strait Islander Education Policy, 1989 - Department of Education, Australian Government](#) as a foundational policy and expressed their frustration at the lack of transparency and accountability:

- As school funding has increased, and targeted Indigenous education programs have ceased and been folded into recurrent funding, we've lost visibility of the trail between what that funding is intended to support and how it is actually used.
- Indigenous education funding used to glow in the dark.

- At a time when the highest levels of support are supposedly available, our children are still being let down by the system.

IECM members reiterate that it is time to make that funding shine again to truly support equity and excellence in Aboriginal and Torres Strait Islander education.

Social Services Portfolio

The Social Services portfolio has responsibility for the *Closing the Gap Disability Sector Strengthening Plan*, which includes accountability mechanisms.

As noted by the NDIA, it is suggested there be a review of accountability mechanisms (whether national, sector, or organisational) to ensure the views, and needs of First Nations people are reflected in standards, requirements, processes etc. and that these also reflect cultural safety principles.

Example - the Disability Sector Strengthening Plan (Disability SSP)

The Disability SSP will improve understanding, support for, and representation of First Nations people with disability across Australian Government policy, programs and services consistent with Priority Reforms One, Three and Four.

All governments and the community-controlled sector will report on progress against actions in the Plan in their Closing the Gap Implementation Plans and annual reports. In line with the National Agreement, a partnership approach between the community-controlled sector and governments is critical to delivery of the Disability SSP for First Nations people with disability.

Mechanisms to monitor the Disability SSP, and align it effectively to *Australia's Disability Strategy*, are still emerging. There is no formal role under the Disability SSP for existing mechanisms such as the National Disability Insurance Scheme (NDIS) Quality and Safeguards Commission, Commonwealth Ombudsman, or Australian Human Rights Commission – arguably these have a different focus on individual complaints handling and on raising awareness on systemic barriers to participation in, or engagement with services, rather than on accountability under the National Agreement framework.

Under the Disability Sector Strengthening Plan (DSSP):

- \$11,714,996 (GST exc) to the First Peoples Disability Network to take forward actions under the DSSP and to establish a First Nations National Disability Footprint. The Disability Footprint will strengthen representation of First Nations people with disability across all policy areas to ensure their needs, expectations and priorities are responded to. The Disability Footprint includes 7 elements:
 - Element 1 – Capacity Building
 - Element 2 Data and Research
 - Element 3 – Strengthening the Policy Representation Footprint
 - Element 4 –Strengthening a Culturally Inclusive Workforce and Training
 - Element 5 – Strengthening Community Disability Rights Footprint
 - Element 6 – Evaluation
 - Element 7 – Communications Strategy

[Attorney-General's Department \(AGD\)](#)

The Government has committed to the establishment of a National Justice Reinvestment Unit. This is an opportunity to design, in partnership with the Coalition of the Peaks, a Unit which supports justice reinvestment across the country.

AGD notes that some states and territories have established Aboriginal and Torres Strait Islander Children's Commissioners. At the Commonwealth level, the Australian Human Rights Commission (AHRC) is made up of the President and seven commissioners, each established by statute. There are two commissioners that cover issues relating to Aboriginal and Torres Strait Islander children namely, the Aboriginal and Torres Strait Islander Social Justice Commissioner (ATSISJC) and the National Children's Commissioner (NCC).

	<p>The specific function of each commissioner is determined by their enabling legislation. Functions commonly include:</p> <ul style="list-style-type: none"> • Promoting a discussion and awareness of matters of human rights with respect to their special purpose • Undertaking research and educational programs to promote respect for, and the enjoyment and exercise of, human rights in relation to their special purpose • Examining and reporting on enactments to ascertain whether they recognise and protect human rights in relation to their special purpose. <p>Some commissioners have additional functions and requirements set out under legislation. For example:</p> <ul style="list-style-type: none"> • The Australian Human Rights Commission Act¹ gives the National Children’s Commissioner an additional function to consult directly with children in performing their functions or exercising their powers. • The National Children’s Commissioner and the Aboriginal and Torres Strait Islander Social Justice Commissioner also have functions under the <i>Australian Human Rights Commission Act 1986</i> to submit reports to the Minister relating to the enjoyment and exercise of the rights of children and Aboriginal persons and Torres Strait Islanders respectively.² <p>Additionally, Action 7 under the <i>Safe and Supported: Aboriginal and Torres Strait Islander First Action Plan 2023-2026</i> includes: “In partnership with Aboriginal and Torres Strait Islander governance bodies determine the specific parameters and functions of a National Advocate for Aboriginal and Torres Strait Islander Children and Young People (National Advocate)”. Action 7 will be progressed through the implementation of Safe and Supported.</p>
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¹ Section 46MB(5)

² Section 46MB(3) and Section 46C(2A)

Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)

The Commonwealth Ombudsman was appointed as the National Preventive Mechanism (NPM) for places of detention under the control of the Commonwealth under OPCAT. OPCAT is an international treaty designed to strengthen protections for people in situations where they are deprived of their liberty and potentially vulnerable to mistreatment or abuse. NPMs are independent visiting bodies established in accordance with the OPCAT to examine the treatment of persons deprived of their liberty. The mandate of NPMs seeks to identify patterns and detect systemic risks of torture, rather than investigating or adjudicating complaints concerning torture or ill-treatment. The Commonwealth Ombudsman is also tasked with coordinating the Australian NPM Network, comprising the Commonwealth, state and territory oversight bodies nominated by their governments as NPMs. This may include collecting information, facilitating information sharing and collaboration, providing secretariat support and preparing consolidated reports about NPM activities.

Although the OPCAT does not have a specific First Nations focus (in that it applies to any place where any person may be deprived of their liberty), a disproportionate rate of Aboriginal and Torres Strait Islander adults are incarcerated (Target 10), and Aboriginal and Torres Strait Islander children are a particularly vulnerable cohort in places of detention (Target 11). In this respect, the Commonwealth Ombudsman plays an important role in assisting places of detention to improve conditions (to promote rehabilitation and reduce recidivism) through its reports and recommendations on Commonwealth places of detention and knowledge-sharing with jurisdictions.