

NATIONAL AGREEMENT ON CLOSING THE GAP

JULY 2020

An Agreement between:

- the **Coalition of Aboriginal and Torres Strait Islander Peak Organisations**, and
- all **Australian Governments**, being:
 - the Commonwealth of Australia
 - New South Wales
 - Victoria
 - Queensland
 - Western Australia
 - South Australia
 - Tasmania
 - the Australian Capital Territory
 - the Northern Territory
 - the Australian Local Government Association

1. PREAMBLE

1. The Parties to this National Agreement on Closing the Gap (the Agreement) begin by acknowledging the Traditional Owners of the lands and waters on which Australians live and work, and pay respects to their Elders past, present and emerging.
2. The Parties also acknowledge the strength of Aboriginal and Torres Strait Islander people in sustaining the world's oldest living culture. Aboriginal and Torres Strait Islander people and their cultures have prevailed and endured despite too many experiencing entrenched disadvantage, political exclusion, intergenerational trauma and ongoing institutional racism.
3. Improvements to the lives of Aboriginal and Torres Strait Islander people occurred under the Council of Australian Governments' (COAG) National Indigenous Reform Agreement (NIRA), known as Closing the Gap, starting in 2008. But more needs to be done, and done differently.
4. This Agreement arises from a commitment from all Australian governments and Aboriginal and Torres Strait Islander representatives to a fundamentally new way of developing and implementing policies and programs that impact on the lives of Aboriginal and Torres Strait Islander people. It fulfils the commitments made in the historic Partnership Agreement on Closing the Gap (Partnership Agreement) which commenced in March 2019 and signalled a new way of working to close the gap.
5. This Agreement builds on, and replaces, the NIRA. It continues the successful elements of the NIRA, strengthens others and addresses foundational areas previously excluded from consideration. The most significant of those was that NIRA was only an Agreement between Australian governments whereas in this Agreement, for the first time, representatives of Aboriginal and Torres Strait Islander people are also parties.
6. This Agreement also stems from the belief that when Aboriginal and Torres Strait Islander people have a genuine say in the design and delivery of services that affect them, better life outcomes are achieved. It recognises that structural change in the way Governments work with Aboriginal and Torres Strait Islander people is needed to close the gap.
7. In response, all Australian Governments are now sharing decision-making with Aboriginal and Torres Strait Islander people represented by their community-controlled peak organisations on Closing the Gap, the Coalition of Aboriginal and Torres Strait Islander Peak Organisations (Coalition of Peaks). This is an unprecedented shift in the way governments work, by encompassing shared decision-making on the design, implementation, monitoring and evaluation of policies and programs to improve life outcomes for Aboriginal and Torres Strait Islander people.
8. The extensive expertise and experience of the Coalition of Peaks and its membership have been central to the commitments in this Agreement. So too has the feedback from the extensive engagements in 2019 with Aboriginal and Torres Strait Islander people across Australia, led by the Coalition of Peaks, on what should be included in this Agreement.
9. The views and expertise of Aboriginal and Torres Strait Islander people, including Elders, Traditional Owners and Native Title holders, communities and organisations will continue to provide central guidance to the Coalition of Peaks and Australian Governments throughout the life of this Agreement.

2. FORMALITIES

Parties

10. This Agreement is between all Australian Governments (Governments) and the Coalition of Peaks (referred to collectively as 'the Parties').
11. For the purposes of this Agreement, "Governments" and "Government Parties" refers to the Commonwealth; New South Wales; Victoria; Queensland; Western Australia; South Australia; Tasmania; the Australian Capital Territory; the Northern Territory; and the Australian Local Government Association (ALGA), represented by the Prime Minister, First Ministers of each state and territory and the ALGA President.
12. The Coalition of Peaks:
 - a. are national and state and territory non-government Aboriginal and Torres Strait Islander Peak bodies and certain independent statutory authorities which have responsibility for policies, programs and services related to Closing the Gap
 - b. have their governing boards elected by Aboriginal and Torres Strait Islander communities and / or organisations which are accountable to that membership.

Term of this Agreement

13. This Agreement takes effect on 27 July 2020 and will be an ongoing Agreement until replaced by a future Agreement.
14. The Parties intend this Agreement to be a living document, which will be updated to reflect shared priorities, progress and feedback from Aboriginal and Torres Strait Islander people.

3. OBJECTIVE AND OUTCOMES

15. The objective of this Agreement is to overcome the entrenched inequality faced by too many Aboriginal and Torres Strait Islander people so that their life outcomes are equal to all Australians.
16. The Parties commit to mobilising all avenues and opportunities available to them to meet the objective of this Agreement.
17. The outcomes of this Agreement are:
 - a. **Shared decision-making:** Aboriginal and Torres Strait Islander people are empowered to share decision-making authority with governments to accelerate policy and place-based progress on Closing the Gap through formal partnership arrangements.
 - b. **Building the community-controlled sector:** There is a strong and sustainable Aboriginal and Torres Strait Islander community-controlled sector delivering high quality services to meet the needs of Aboriginal and Torres Strait Islander people across the country.
 - c. **Improving mainstream institutions:** Governments, their organisations and their institutions are accountable for Closing the Gap and are culturally safe and responsive to the needs of Aboriginal and Torres Strait Islander people, including through the services they fund.
 - d. **Aboriginal and Torres Strait Islander-led data:** Aboriginal and Torres Strait Islander people have access to, and the capability to use, locally-relevant data and information to set

and monitor the implementation of efforts to close the gap, their priorities and drive their own development.

- e. **The socio-economic outcomes (listed at Table B).**

4. A NEW APPROACH

18. This Agreement is a commitment from all Parties to set out a future where policy making that impacts on the lives of Aboriginal and Torres Strait Islander people is done in full and genuine partnership.
19. The Parties will listen to the voices and aspirations of Aboriginal and Torres Strait Islander people and change the way we work in response. Aboriginal and Torres Strait Islander people have been saying for a long time that:
- a. they need to have a much greater say in how programs and services are delivered to their people, in their own places and on their own country
 - b. community-controlled organisations deliver the best services and outcomes for Closing the Gap
 - c. government agencies and institutions need to address systemic, daily racism, and promote cultural safety and transfer power and resources to communities
 - d. they need to have access to the same information and data as governments to drive their development.

5. PRIORITISING ABORIGINAL AND TORRES STRAIT ISLANDER CULTURES

20. The Parties acknowledge that strong Aboriginal and Torres Strait Islander cultures are fundamental to improved life outcomes for Aboriginal and Torres Strait Islander people.
21. The Parties agree to implement all activities under this Agreement in a way that takes full account of, promotes, and does not diminish in any way, the cultures of Aboriginal and Torres Strait Islander people. This commitment is part of the new way of working that Parties have agreed to under this Agreement. The Parties agree to demonstrate this commitment through their Implementation Plans.
22. This Agreement supports the prioritisation of Aboriginal and Torres Strait Islander cultures through the Priority Reforms outlined in Part 6 of this Agreement.
23. New Closing the Gap outcome areas, targets and indicators have also been included in this Agreement that support the cultural wellbeing of Aboriginal and Torres Strait Islander people in areas of languages; cultural practices; land and waters; and access to culturally relevant communications.
24. Aboriginal and Torres Strait Islander media, in particular community-controlled media, have a central role in communicating activities under this Agreement to allow culturally relevant messages to be developed and shared by Aboriginal and Torres Strait Islander organisations and communities for Aboriginal and Torres Strait Islander people.

6. PRIORITY REFORM AREAS FOR JOINT NATIONAL ACTION

25. The Parties agree to four Priority Reforms that change the way governments work to accelerate improvements in the lives of Aboriginal and Torres Strait Islander people.
26. The Priority Reforms have arisen from the Partnership between Governments and the Coalition of Peaks; they respond to the voices and aspirations of Aboriginal and Torres Strait Islander people; and were overwhelmingly supported during the formal engagements on this Agreement in 2019.
27. The Parties commit to tangible actions to give effect to the Priority Reforms.

PRIORITY REFORM ONE – FORMAL PARTNERSHIPS AND SHARED DECISION-MAKING

28. The Parties commit to building and strengthening structures that empower Aboriginal and Torres Strait Islander people to share decision-making authority with governments to accelerate policy and place-based progress against Closing the Gap.
29. Priority Reform One seeks to apply the principles in the historic and unprecedented Partnership Agreement to more partnership arrangements between Aboriginal and Torres Strait Islander people and governments at all levels. This was strongly supported by the 2019 engagements.

In order to effect real change, governments must work collaboratively and in genuine, formal partnership with Aboriginal and Torres Strait Islander peoples because they are the essential agents of change.'

(Engagement survey participant from the Northern Territory)

30. Under this Agreement, there are two forms of partnerships – “policy partnerships” and “place-based partnerships”.
 - a. Policy partnerships are partnerships created for the purpose of working on discrete policy areas, such as education, health or housing.
 - b. Place-based partnerships are partnerships based on a specific region, between government and Aboriginal and Torres Strait Islander representatives, and others by agreement, from those specific areas.
31. The purpose of formal policy partnerships and place-based partnerships is to:
 - a. drive Aboriginal and Torres Strait Islander community-led outcomes on Closing the Gap
 - b. enable Aboriginal and Torres Strait Islander representatives, communities and organisations to negotiate and implement agreements with governments to implement all Priority Reforms and policy specific and place-based strategies to support Closing the Gap
 - c. support additional community-led development initiatives
 - d. bring together all government parties, together with Aboriginal and Torres Strait Islander people, organisations and communities to the collective task of Closing the Gap.

Strong partnership elements

32. The Parties agree that strong partnerships include the following partnership elements:

- a. Partnerships are accountable and representative and are between:
 - i. Aboriginal and Torres Strait Islander people, where participation in decision-making is done by Aboriginal and Torres Strait Islander people appointed by Aboriginal and Torres Strait Islander people in a transparent way, based on their own structures and where they are accountable to their own organisations and communities
 - ii. up to three levels of government, where government representatives have negotiating and decision-making authority relevant to the partnership context
 - iii. other parties as agreed by the Aboriginal and Torres Strait Islander representatives and governments.
- b. A formal agreement in place, that is signed by all parties and:
 - i. defines who the parties are, what their roles are, what the purpose and objectives of the partnership are, what is in scope of shared decision-making, and what are the reporting arrangements, timeframes, and monitoring, review and dispute mechanisms
 - ii. is structured in a way that allows Aboriginal and Torres Strait Islander parties to agree the agenda for the discussions that lead to any decisions
 - iii. is made public and easily accessible
 - iv. is protected in state, territory and national legislation where appropriate.
- c. Decision-making is shared between government and Aboriginal and Torres Strait Islander people. Shared decision-making is:
 - i. by consensus, where the voices of Aboriginal and Torres Strait Islander parties hold as much weight as the governments
 - ii. transparent, where matters for decision are in terms that are easily understood by all parties and where there is enough information and time to understand the implications of the decision
 - iii. where Aboriginal and Torres Strait Islander representatives can speak without fear of reprisals or repercussions
 - iv. where a wide variety of groups of Aboriginal and Torres Strait Islander people, including women, young people, elders, and Aboriginal and Torres Strait Islander people with a disability can have their voice heard
 - v. where self-determination is supported, and Aboriginal and Torres Strait Islander lived experience is understood and respected
 - vi. where relevant funding for programs and services align with jointly agreed community priorities, noting governments retain responsibility for funding decisions
 - vii. where partnership parties have access to the same data and information, in an easily accessible format, on which any decisions are made.

33. The Parties recognise that adequate funding is needed to support Aboriginal and Torres Strait Islander parties to be partners with governments in formal partnerships. This includes agreed funding for Aboriginal and Torres Strait Islander parties to:
- a. engage independent policy advice
 - b. meet independently of governments to determine their own policy positions
 - c. support strengthened governance between and across Aboriginal and Torres Strait Islander organisations and parties
 - d. engage with and seek advice from Aboriginal and Torres Strait Islander people from all relevant groups within affected communities, including but not limited to Elders, Traditional Owners and Native Title Holders.

Jurisdictional actions

34. The Parties acknowledge shared decision-making structures already exist across the country, and that many of these have been developed by Aboriginal and Torres Strait Islander people. Actions under this Priority Reform are not intended to replace these arrangements, but rather build on these successes, and expand and strengthen shared decision-making arrangements.
35. Government Parties commit to establishing policy and place-based partnerships within jurisdictions and which respond to local priorities. These partnerships will include the partnership elements outlined in the section above, unless Aboriginal and Torres Strait Islander people, communities and organisations choose not to pursue elements.
36. Government Parties will review their partnership arrangements to assess how they meet the partnership elements at Clauses 32 and 33:
- a. By 2022, Government Parties will undertake a stocktake of partnership arrangements already in place within their own jurisdictions and provide a report to the Joint Council.
 - b. By 2023, Government Parties will review and strengthen existing partnerships to meet the strong partnership elements, unless Aboriginal and Torres Strait Islander members of the partnership do not wish to include these elements.
 - c. Government Parties will provide a report on this review, including the number of partnerships, changes made to existing partnerships, and which strong partnership elements are met and unmet for all partnerships. The report from Government Parties will be considered by the Joint Council.
37. Government Parties will include in their annual reports (Clauses 118 and 119) information on partnerships, including the number of partnerships, those that have been reviewed, for each partnership which strong partnership elements are met and unmet, and what has been achieved through the partnerships.

Partnership actions

38. By 2022, the Joint Council will establish a joined up approach to five policy priority areas, between the Commonwealth, states and territories and Aboriginal and Torres Strait Islander representatives. These will identify opportunities to work more effectively across governments, reduce gaps and duplication, and improve outcomes under Closing the Gap. These areas respond to the engagements and are:

- a. justice (adult and youth incarceration)
 - b. social and emotional wellbeing (mental health)
 - c. housing
 - d. early childhood care and development
 - e. Aboriginal and Torres Strait Islander languages.
39. By 2024, six new place-based partnerships will be established across Australia under Jurisdictional Implementation Plans. These place-based partnerships will be between the Commonwealth, relevant states or territories, local government and agreed communities. They will be consistent with the agreed partnership elements and build on existing place based approaches. Locations will be considered by Joint Council within 12 months of the commencement of this Agreement.
40. Partnership actions do not limit opportunities for pursuing joined up effort by the Parties in other policy areas and places.
41. In 2025, the Parties to the Agreement will meet and consider progress on Priority Reform One and make additional partnership actions if needed and the Agreement will be updated accordingly.

PRIORITY REFORM TWO – BUILDING THE COMMUNITY-CONTROLLED SECTOR

42. The Parties commit to building formal Aboriginal and Torres Strait Islander community-controlled sectors to deliver services to support Closing the Gap.
43. The Parties acknowledge that Aboriginal and Torres Strait Islander community-controlled services are better for Aboriginal and Torres Strait Islander people, achieve better results, employ more Aboriginal and Torres Strait Islander people and are often preferred over mainstream services. Priority Reform Two received the strongest support in the 2019 engagements.

‘A community-controlled organisation implicitly recognises the strength, the expertise and the right to self-determination by Indigenous communities’

(Engagement participant at New South Wales Meeting)

44. Aboriginal and Torres Strait Islander community control is an act of self-determination. Under this Agreement, an Aboriginal and/or Torres Strait Islander Community-Controlled Organisation delivers services, including land and resource management, that builds the strength and empowerment of Aboriginal and Torres Strait Islander communities and people and is:
- a. incorporated under relevant legislation and not-for-profit
 - b. controlled and operated by Aboriginal and/or Torres Strait Islander people
 - c. connected to the community, or communities, in which they deliver the services
 - d. governed by a majority Aboriginal and/or Torres Strait Islander governing body.

Strong community-controlled sector elements

45. The Parties agree that elements of a strong sector are where:

- a. there is sustained capacity building and investment in Aboriginal and Torres Strait Islander community-controlled organisations which deliver certain services and address issues through a set of clearly defined standards or requirements, such as an agreed model of care
- b. there is a dedicated and identified Aboriginal and Torres Strait Islander workforce (that complements a range of other professions and expertise) and where people working in community-controlled sectors have wage parity based on workforce modelling commensurate with need
- c. Aboriginal and Torres Strait Islander community-controlled organisations which deliver common services are supported by a Peak Body, governed by a majority Aboriginal and Torres Strait Islander Board, which has strong governance and policy development and influencing capacity
- d. Aboriginal and Torres Strait Islander community-controlled organisations which deliver common services have a dedicated, reliable and consistent funding model designed to suit the types of services required by communities, responsive to the needs of those receiving the services, and is developed in consultation with the relevant Peak body.

Jurisdictional actions

46. Government Parties commit to building strong Aboriginal and Torres Strait Islander community-controlled sectors and organisations in line with the strong sector elements at Clause 45 to deliver Closing the Gap services and programs, in partnership with Aboriginal and Torres Strait Islander representatives.

47. Government Parties will include in their Jurisdictional annual reports information on action taken to strengthen the community-controlled sector based on the elements of a strong sector, as outlined in Clauses 118 and 119.

Partnership actions

48. The Parties agree that building strong community-controlled sectors to deliver Closing the Gap services and programs requires national effort and joined up delivery against all sector elements in agreed priority areas.

49. The Parties agree to identify sectors for joint national strengthening effort every three years through Sector Strengthening Plans which will identify actions against the strong sector elements at Clause 45.

50. The initial sectors are:

- a. Early childhood care and development
- b. Housing
- c. Health
- d. Disability.

51. The Sector Strengthening Plans will be in line with the strong community-controlled sector elements and the following four streams:
 - a. Workforce
 - b. Capital infrastructure
 - c. Service provision
 - d. Governance.
52. The first four Sector Strengthening Plans will be developed within 12 months for Joint Council consideration.
53. The Parties will agree additional sectors for Sector Strengthening Plans in 2023.
54. Partnership actions at Clauses 48 to 53 do not limit opportunities for pursuing joined up effort by Parties in other sectors.
55. Government Parties agree to implement measures to increase the proportion of services delivered by Aboriginal and Torres Strait Islander organisations, particularly community-controlled organisations, including by:
 - a. implementing funding prioritisation policies across all Closing the Gap outcomes that require decisions about the provision of services to Aboriginal and Torres Strait Islander people and communities to preference Aboriginal and Torres Strait Islander community-controlled organisations and other Aboriginal and Torres Strait Islander organisations
 - b. where new funding initiatives are decided by governments which are intended to service the broader population across socio-economic outcome areas of the Agreement, that a meaningful proportion is allocated to Aboriginal and Torres Strait Islander organisations with relevant expertise, particularly community-controlled organisations. A meaningful proportion is an amount which takes into account the number and capacity of Aboriginal and Torres Strait Islander organisations, particularly the existing community-controlled sectors and the service demands of Aboriginal and Torres Strait Islander people, including through the views of Aboriginal and Torres Strait Islander community-controlled peaks organisations in the relevant jurisdiction.
56. Partnership Actions at Clause 55(a) and 55(b) are to be implemented progressively, with implementation complete by 2024. Individual implementation approaches, including identifying jurisdictional proportions for 55(b), will be included in Jurisdictional Implementation Plans.
57. In 2025, the Parties to the Agreement will meet and consider progress on Priority Reform Two and make additional partnership actions if needed and the Agreement will be updated accordingly.

PRIORITY REFORM THREE – TRANSFORMING GOVERNMENT ORGANISATIONS

58. The Parties commit to systemic and structural transformation of mainstream government organisations to improve accountability and respond to the needs of Aboriginal and Torres Strait Islander people. Priority Reform Three was strongly supported by the 2019 engagement process.

‘To be effective, mainstream organisations need to spend time understanding what is happening in our communities and need to recognise and understand the skills that Aboriginal and Torres Strait Islander people hold.’

(Engagement participant at Coalition of Peaks membership meeting in the Torres Strait)

Transformation elements

59. The Government Parties commit to implement the following transformation elements within government mainstream institutions and agencies:

- a. **Identify and eliminate racism** – Identify and call out institutional racism, discrimination and unconscious bias in order to address these experiences. Undertake system-focused efforts to address disproportionate outcomes and overrepresentation of Aboriginal and Torres Strait Islander people by addressing features of systems that cultivate institutionalised racism. The feedback from the engagements included that more Aboriginal and Torres Strait Islander people should be employed in mainstream institutions and agencies, including through more identified positions, more Aboriginal and Torres Strait Islander people in senior positions, and appointments to boards.
- b. **Embed and practice meaningful cultural safety** – Embed high-quality, meaningful approaches to promoting cultural safety, recognising Aboriginal and Torres Strait Islander people’s strength in their identity as a critical protective factor. This applies to all levels of staff within government organisations. Feedback from the engagements included making cultural awareness training courses ongoing for all boards and staff. Another strategy could be to strengthen the role of internal Aboriginal and Torres Strait Islander units in promoting and monitoring cultural safety.
- c. **Deliver services in partnership with Aboriginal and Torres Strait Islander organisations, communities and people** – Develop genuine relationships between government organisations and Aboriginal and Torres Strait Islander people, organisations and/or businesses to enhance the quality and cultural safety of mainstream service delivery. Feedback from the engagements included supporting agreements between hospitals and local Aboriginal and Torres Strait Islander community-controlled health organisations to deliver outpatient services.
- d. **Increase accountability through transparent funding allocations** – Improve transparency of resource allocation to, and distribution by, mainstream institutions in relation to dedicated Aboriginal and Torres Strait Islander service-delivery. Feedback from the engagements included requiring key performance indicators in funding arrangements. Other suggestions included for Auditors-General to include in their audits of mainstream agencies information about expenditure and the quality of service delivery to Aboriginal and Torres Strait Islander people.

- e. **Support Aboriginal and Torres Strait Islander cultures** – Ensure government organisations identify their history with Aboriginal and Torres Strait Islander people and facilitate truth-telling to enable reconciliation and active, ongoing healing. Feedback from the engagements included government organisations building relationships with local Aboriginal and Torres Strait Islander community-controlled organisations to enable them to understand and reflect the history and culture of local communities.
- f. **Improve engagement with Aboriginal and Torres Strait Islander people** – Ensure when governments are undertaking significant changes to policy and programs that primarily impact on Aboriginal and Torres Strait Islander people, they engage fully and transparently. Engagements should be done in a way where Aboriginal and Torres Strait Islander people: have a leadership role in the design and conduct of engagements; know the purpose and fully understand what is being proposed; know what feedback is provided and how that is being taken account of by governments in making decisions; and are able to assess whether the engagements have been fair, transparent and open. The engagements on the National Agreement, led by the Coalition of Peaks in partnership with Government parties, demonstrated the benefit of this approach.

Jurisdictional actions

- 60. Government Parties, in partnership with Aboriginal and Torres Strait Islander people, commit to systemic and structural transformation to ensure government mainstream institutions and agencies are free of institutionalised racism and promote cultural safety in line with the transformation elements at Clause 59.
- 61. Government Parties commit to challenge unconscious biases that result in decisions based on stereotypes. Addressing institutional racism and promoting cultural safety are essential requirements that are the responsibility of governments, in line with the transformation elements.
- 62. When Government Parties change, design or deliver policies and programs that impact on the outcomes of this Agreement, they will do so in line with this Agreement.
- 63. Government Parties commit to share and publish their engagement approaches that give effect to the transformation elements on engagements at Clause 59(f).
- 64. The Government Parties also commit to engaging with Aboriginal and Torres Strait Islander representatives before, during, and after emergencies such as natural disasters and pandemics to make sure that:
 - a. government decisions take account of the impact of those decisions on Aboriginal and Torres Strait Islander people
 - b. Aboriginal and Torres Strait Islander people are not disproportionately affected and can recover as quickly as other Australians from social and economic impacts.
- 65. Government Parties will include in their annual reports information on how they are undertaking and meeting the transformation elements.
- 66. Government Parties' investment in mainstream institutions and agencies will not come at the expense of investment in Aboriginal and Torres Strait Islander community-controlled services.

Partnership actions

67. By 2023, Government Parties agree to each identify, develop or strengthen an independent mechanism, or mechanisms, that will support, monitor, and report on the transformation of mainstream agencies and institutions. The mechanism, or mechanisms, will:
- support mainstream agencies and institutions to embed transformation elements, as outlined in Clause 59, and monitoring their progress
 - be recognisable for Aboriginal and Torres Strait Islander people and be culturally safe
 - engage with Aboriginal and Torres Strait Islander people to listen and to respond to concerns about mainstream institutions and agencies
 - report publicly on the transformation of mainstream agencies and institutions, including progress, barriers and solutions.
68. In 2025, the Parties to the Agreement will meet and consider progress on Priority Reform Three and make additional partnership actions if needed and the Agreement will be updated accordingly.

PRIORITY REFORM FOUR – SHARED ACCESS TO DATA AND INFORMATION AT A REGIONAL LEVEL

69. Shared access to location specific data and information will support Aboriginal and Torres Strait Islander communities and organisations to support the achievement of the first three Priority Reforms through:
- Priority Reform One:** Participating as equal partners with government, with equal access to all processes and information to support shared decision-making.
 - Priority Reform Two:** Driving their own development by making evidence-based decisions on the design, implementation and evaluation of policies and programs for their communities in order to develop local solutions for local issues.
 - Priority Reform Three:** Measuring the transformation of government organisations operating in their region to be more responsive and accountable for Closing the Gap.
70. The Parties agree that disaggregated data and information is most useful to Aboriginal and Torres Strait Islander organisations and communities to obtain a comprehensive picture of what is happening in their communities and make decisions about their futures. Priority Reform Four arises from the 2019 engagement process.

‘Collect, analyse, use our own data to meet our own needs. It’s our information and we should use it for our own purposes as decided by us.’

(Survey participant from New South Wales)

Data and information sharing elements

71. The Parties agree that data and information sharing practice elements between governments and Aboriginal and Torres Strait Islander communities and organisations contain the following features:

- a. There are partnerships in place between Aboriginal and Torres Strait Islander representatives and government organisations to guide the improved collections, access, management and use of data to inform shared decision-making for the benefit of Aboriginal and Torres Strait Islander people.
- b. Governments agree to provide Aboriginal and Torres Strait Islander communities and organisations access to the same data and information on which any decisions are made, subject to meeting privacy requirements, and ensuring data security and integrity.
- c. Governments collect, handle and report data at sufficient levels of disaggregation, and in an accessible and timely way, to empower local Aboriginal and Torres Strait Islander communities to access, use and interpret data for local decision-making
- d. Aboriginal and Torres Strait Islander communities and organisations are supported by governments to build capability and expertise in collecting, using and interpreting data in a meaningful way.

Jurisdictional actions

72. Government Parties commit to implementing the data and information elements, including to:

- a. share available, disaggregated regional data and information with Aboriginal and Torres Strait Islander organisations and communities on Closing the Gap, subject to meeting privacy requirements
- b. establish partnerships between Aboriginal and Torres Strait Islander people and government agencies to improve collection, access, management and use of data, including identifying improvements to existing data collection and management
- c. make their data more transparent by telling Aboriginal and Torres Strait Islander people what data they have and how it can be accessed
- d. build capacity of Aboriginal and Torres Strait Islander organisations and communities to collect, and use data.

73. Government Parties will include in their annual reports information on action taken to improve access to data and information by Aboriginal and Torres Strait Islander people and organisations.

Partnership actions

74. By 2023, the Parties will establish data projects in up to six locations across Australia to enable Aboriginal and Torres Strait Islander communities and organisations to access and use location-specific data on the Closing the Gap outcome areas.

75. The data projects will:

- a. support Aboriginal and Torres Strait Islander communities to analyse and use regional specific data to help drive their own development and discussions with governments on Closing the Gap

- b. enable Aboriginal and Torres Strait Islander communities and organisations to collect and access other data which they consider important
- c. be covered by localised agreements, consistent with Priority Reform One, between the governments and participating Aboriginal and Torres Strait Islander organisations in the region.

76. The Coalition of Peaks will develop criteria for selecting data projects' locations for consideration by the Partnership Working Group and provide regular progress updates on the projects.

77. In 2025, the Parties to the Agreement will meet and consider progress on Priority Reform Four and make additional partnership actions if needed and the Agreement will be updated accordingly.

7. KNOWING WE ARE MAKING A DIFFERENCE

78. The Parties have agreed to a set of targets to know how we are tracking against the objectives and outcomes of this Agreement.

79. There are two types of targets under this Agreement, for which the Government Parties have the same level of commitment and accountability:

- a. **Priority Reform targets** focus on measuring the change governments are making in the way they work with Aboriginal and Torres Strait Islander people.
- b. **Socio-economic targets** focus on measuring the outcomes experienced by Aboriginal and Torres Strait Islander people.

80. The Parties agree that the full implementation of the Priority Reforms will support an accelerated achievement of the socio-economic targets.

A. PRIORITY REFORM TARGETS

81. The Parties have agreed the target frameworks for the 4 Priority Reforms.

- a. The Parties have agreed to the following Priority Reform targets:
 - i. **Priority Reform One:** There will be formal partnership arrangements to support Closing the Gap in place between Aboriginal and Torres Strait Islander people and governments in place in each state and territory enshrining agreed joint decision-making roles and responsibilities and where Aboriginal and Torres Strait Islander people have chosen their own representatives.
 - ii. **Priority Reform Two:** Increase the amount of government funding for Aboriginal and Torres Strait Islander programs and services going through Aboriginal and Torres Strait Islander community-controlled organisations.
 - iii. **Priority Reform Three:** Decrease in the proportion of Aboriginal and Torres Strait Islander people who have experiences of racism.
 - iv. **Priority Reform Four:** Increase the number of regional data projects to support Aboriginal and Torres Strait Islander communities to make decisions about Closing the Gap and their development.

- b. Table A consists of the agreed frameworks for the Priority Reforms, including the following elements:
 - i. Outcomes – as per Clause 17.
 - ii. Targets – as per Clause 81.a.
 - iii. Indicators – supporting measures that provide greater understanding of, and insight into, how all governments are tracking against the outcomes and targets.
 - iv. Disaggregation – how reporting of performance against the Priority Reform will be broken down.
 - v. Data development – areas that are important for our understanding of progress against the Priority Reforms but cannot be measured currently and where further work is required.

Table A¹

PRIORITY REFORM ONE

Outcome - Shared decision-making: Aboriginal and Torres Strait Islander people are empowered to share decision-making authority with governments to accelerate policy and place-based progress on Closing the Gap through formal partnership arrangements.

Target: There will be formal partnership arrangements to support Closing the Gap in place between Aboriginal and Torres Strait Islander people and governments in place in each state and territory enshrining agreed joint decision-making roles and responsibilities and where Aboriginal and Torres Strait Islander people have chosen their own representatives.

Indicators:

- Partnerships reviewed (new or existing) meeting the ‘strong partnership elements’ (as defined in the National Agreement) [Clause 32 and 33]:
 - Partnerships are accountable and representative [as per Clause 32.a.]
 - Partnerships having a written formal agreement [as per Clause 32.b.]
 - Partnerships having clear provisions of shared decision-making between government and Aboriginal and Torres Strait Islander partners [as per Clause 32.c.]
 - Adequate funding for Aboriginal and Torres Strait Islander parties to be partners with governments in formal partnerships [as per Clause 33]
- Number of partnerships by function, such as decision-making or strategic

Outcome indicators:

- Proportion of Aboriginal and Torres Strait Islander Australians reporting they are able to have a say in their community on issues important to them
- Proportion of Aboriginal and Torres Strait Islander Australians reporting improvements in their communities

Disaggregation:

- By jurisdiction
- CTG outcome areas relevant to the partnerships

¹The Priority Reform frameworks were added following agreement by the Joint Council on 17 November 2020.

PRIORITY REFORM TWO

Outcome - Building the community-controlled sector: There is a strong and sustainable Aboriginal and Torres Strait Islander community-controlled sector delivering high quality services to meet the needs of Aboriginal and Torres Strait Islander people across the country.

Target: Increase the amount of government funding for Aboriginal and Torres Strait Islander programs and services going through Aboriginal and Torres Strait Islander community-controlled organisations

Indicators:

- Number of Aboriginal Community Controlled organisations (ACCOs) contracted by governments across the Closing the Gap socio-economic outcome areas of the Agreement
- Number of government contracts awarded to ACCOs
 - By agency with a funding prioritisation policies across all Closing the Gap outcomes (as per Clause 55a)
 - Under new funding initiatives decided by government which are intended to service the broader population across socio-economic outcome areas (as per Clause 55b)
- Number of sectors with elements of a strong sector (clause 45), by element:
 - Number with sustained investment in capacity building
 - Number with a dedicated workforce and wage parity
 - Number supported by a peak organisation with strong governance and policy development capability
 - Number with consistent and sustained funding arrangements to support agreed service delivery standards

Outcome indicator

- Proportion of Aboriginal and Torres Strait Islander people reporting fewer barriers in accessing services

Disaggregation:

- By jurisdiction
- CTG outcome areas

Data Development:

Explore options to measure and report:

- Proportion of sector funding by governments going to ACCOs across socio-economic outcome areas of the Agreement
- Proportion of services delivered by Aboriginal and Torres Strait Islander organisations, by socio-economic outcome area
- Proportion of Aboriginal and Torres Strait Islander people using ACCOs' services
- Proportion of Aboriginal and Torres Strait Islander people employed by ACCO's

PRIORITY REFORM THREE

Outcome - Improving mainstream institutions: Governments, their organisations and their institutions are accountable for Closing the Gap and are culturally safe and responsive to the needs of Aboriginal and Torres Strait Islander people, including through the services they fund.

Target: Decrease in the proportion of Aboriginal and Torres Strait Islander people who have experiences of racism.

Indicators:

- Aboriginal and Torres Strait Islander people employed in government mainstream institutions and agencies:
 - Total number, by level and agency
 - Number of identified Indigenous Australian positions by level and agency
- Aboriginal and Torres Strait Islander representation in governance positions in government mainstream institutions and agencies:
 - Proportion of Aboriginal and Torres Strait Islander membership on Boards
 - Aboriginal and Torres Strait Islander advisory bodies
- Number and proportion of government mainstream institutions and agencies with Reconciliation Action Plan (RAP) in place, by RAP type
- Government mainstream institutions and agencies reporting actions to implement the transformation elements:
 - Identify and eliminate racism
 - Embed and practice meaningful cultural safety
 - Deliver services in partnership with Aboriginal and Torres Strait Islander organisations, communities and people
 - Increase accountability through transparent funding allocations
 - Support Aboriginal and Torres Strait Islander cultures
 - Improve engagement with Aboriginal and Torres Strait Islander people

Outcome indicators

- Proportion of Aboriginal and Torres Strait Islander people reporting experiences of racism
- Proportion of Aboriginal and Torres Strait Islander people who identify as feeling culturally safe in dealing with government mainstream institutions and agencies

Disaggregation:

- By jurisdiction CTG outcome areas

Data Development:

- Response to Aboriginal and Torres Strait Islander people reporting racism

PRIORITY REFORM FOUR

Outcome - Aboriginal and Torres Strait Islander people have access to, and the capability to use, locally-relevant data and information to set and monitor the implementation of efforts to close the gap, their priorities and drive their own development.

Target: Increase the number of regional data projects to support Aboriginal and Torres Strait Islander communities to make decisions about Closing the Gap and their development.

Indicators:

- Number of formal data sharing partnerships established between government agencies and Aboriginal and Torres Strait Islander people/organisations
- Number of comprehensive regional data profiles created
- Number of government initiatives established to make data more accessible and usable for Aboriginal and Torres Strait Islander communities and organisations
- Number of government agencies working in partnership with Aboriginal and Torres Strait Islander communities and organisations to build expertise in data collection and analysis

Disaggregation:

- By jurisdiction CTG outcome areas

Data Development:

- *Outcome indicator:* Proportion of Aboriginal and Torres Strait Islander Australians reporting they have access to, the ability to use, and custodianship of, data that will assist in the planning and delivery of services in their communities.

B. SOCIO-ECONOMIC TARGETS

82. The Parties have agreed to 16 socio-economic targets at Table B. The table consists of the following elements:

- a. Outcome – the socio-economic outcomes of this Agreement.
- b. Target – the key measure by which Government Parties are publicly accountable to in achieving the socio-economic outcomes. The target provides a specific, measurable goal that Parties are accountable to meet over the next decade.
- c. Indicators – supporting measures that provide greater understanding of, and insight into, how all governments are tracking against the outcomes and targets. Indicators are divided into either drivers or contextual information. Drivers measure those factors that significantly impact the progress made against a target, while contextual information provides insight into the experiences of Aboriginal and Torres Strait Islander people under each outcome.
- d. Disaggregation – how reporting of the target will be broken down and measured by groups of Aboriginal and Torres Strait Islander people (for example males/females, or geographical areas). This allows us to understand where progress is being made and where greater effort is needed.
- e. Data development – areas that are important for our understanding of Aboriginal and Torres Strait Islander outcomes but cannot be measured currently and where further work is required.

83. Government Parties agree that targets are designed to be met at a national level, while recognising that starting points, past trends and local circumstances differ so jurisdictional outcomes may vary.

84. As part of the reviews at Clauses 121 and 125, Parties agree to regularly review the level of ambition of the targets as Parties are committed to stretching beyond a business as usual approach in order to accelerate improvements in life outcomes for Aboriginal and Torres Strait Islander people.

Table B

Outcome 1

Aboriginal and Torres Strait Islander people enjoy long and healthy lives

Target 1: Close the Gap in life expectancy within a generation, by 2031.

Indicators:

Drivers:

- All-cause mortality
- Leading causes of death (infant mortality, child mortality, and five-yearly age groups)
- Potential avoidable mortality rates
- Prevalence rates of health risk factors (smoking, alcohol and drug use, overweight and obese, dietary factors, physical activity)
- Rates of accessing/utilisation of health services (General Practitioner (GP) visits, health assessments (Medicare Benefit 715), chronic disease care items (Team Care arrangement and GP Management Plan))

Contextual information:

- Hospitalisation rates by leading causes
- Discharge against medical advice
- Burden of disease from socio-economic factors

Disaggregation:

- States/territories
- Remoteness areas
- Socio-economic status of the locality
- Gender

Data Development:

Explore options to measure and report:

- Aboriginal and Torres Strait Islander life expectancy estimates by all states and territories; and at more frequent intervals
- a broader measure of access to services compared to need to include availability and distance travelled, affordability, client preferences and cultural safety
- burden of disease related to a broader range of health risk factors; and at more frequent intervals
- broader measures of wellbeing

Outcome 2

Aboriginal and Torres Strait Islander children are born healthy and strong

Target 2: By 2031, increase the proportion of Aboriginal and Torres Strait Islander babies with a healthy birthweight to 91 per cent.

Indicators:

Drivers:

- Proportion of mothers who smoke during pregnancy (any time, or after 20 weeks) by age groups
- Proportion of mothers who consume alcohol during pregnancy by age groups
- Proportion of pregnant mothers with a pre-existing health condition (gestational diabetes, obesity, hypertension, other)
- Use of antenatal care by pregnant women:
 - proportion with five or more antenatal visits
 - proportion with at least one antenatal care visit in the first trimester
- Proportion of pre-term births

Contextual information:

- Progress towards parity

Disaggregation:

- States/territories
- Remoteness areas
- Socio-economic status of the locality
- Gender

Data Development:

Explore options to measure and report:

- access to culturally appropriate antenatal care for mothers of Aboriginal and Torres Strait Islander babies based on location
- role of Aboriginal and Torres Strait Islander men in parenting
- other risk factors such as alcohol and drug use during pregnancy in National Perinatal Data Collection which is linked to birthweight and preterm birth
- educational status of parents

Outcome 3

Aboriginal and Torres Strait Islander children are engaged in high quality, culturally appropriate early childhood education in their early years

Target 3: By 2025, increase the proportion of Aboriginal and Torres Strait Islander children enrolled in Year Before Fulltime Schooling (YBFS) early childhood education to 95 per cent.

Indicators:

Contextual information:

- Rate of attendance in early childhood education in the year before full-time schooling
- Number of Aboriginal and Torres Strait Islander early childhood education and care service providers
- Progress towards parity

Disaggregation:

- States/territories
- Remoteness areas
- Socio-economic status of the locality
- Gender

Data Development:

Explore options to measure and report:

- rate of enrolment and attendance of three-year-olds (two years before full-time schooling) in early childhood education
- proportion of early childhood education facilities attended by Aboriginal and Torres Strait Islander children meeting or exceeding National Quality Standard
- access to culturally appropriate early childhood education programs
- access to bilingual education
- number of Aboriginal and Torres Strait Islander early years' service providers
- barriers to attendance (including out-of-pocket costs, access to services, transport, housing)
- parental education, health and disability
- health and disability of children
- lessons from Commonwealth, state and territory early childhood education support initiatives

When this target is met, develop future targets for enrolment and attendance rates for two years before full time schooling.

Outcome 4

Aboriginal and Torres Strait Islander children thrive in their early years

Target 4: By 2031, increase the proportion of Aboriginal and Torres Strait Islander children assessed as developmentally on track in all five domains of the Australian Early Development Census (AEDC) to 55 per cent.

Indicators:

Drivers:

- Preschool attendance and enrolment
- Primary carer education level

Contextual information:

- Outcomes by AEDC domains (developmentally vulnerable, at risk, on track)
- AEDC Multiple Strengths Indicator (highly developed, well developed and emerging strengths)
- Progress towards parity

Disaggregation:

- States/territories
- Remoteness areas
- Socio-economic status of the locality
- Gender

Data Development:

Explore options to measure and report:

- culturally-appropriate childhood development, such as the provision of early childhood education by community-controlled organisations
- health of children
- proportion of children who have regular health and development check-ups
- rates of access to nurse home visiting programs
- proportion of Aboriginal and Torres Strait Islander children living in poverty

Outcome 5

Aboriginal and Torres Strait Islander students achieve their full learning potential

Target 5: By 2031, increase the proportion of Aboriginal and Torres Strait Islander people (age 20-24) attaining year 12 or equivalent qualification to 96 per cent.

Indicators:

Drivers:

- School attendance
- School retention rates
- At or above National Assessment Program – Literacy and Numeracy (NAPLAN) minimum standards in reading, writing and numeracy for Years, 3, 5, 7 and 9
- Mean scores of Aboriginal and Torres Strait Islander 15-year olds in the Programme for International Student Assessment (PISA) test

Contextual information:

- Mean score of NAPLAN reading, writing and numeracy for Years, 3, 5, 7 and 9
- Rates of highest education/training level completed (for those not completing Year 12 or equivalent)
- Progress towards parity

Disaggregation:

- States/territories
- Remoteness areas
- Socio-economic status of the locality
- Year 12 vs Certificate III or above completions (Certificate III but without year 12)
- Gender
- Disability status

Data Development:

Explore options to measure and report:

- Year 12 completions, based on school administrative records
- completion of Certificate II and III or higher by those who do not have Year 12, based on Vocational Education and Training (VET) administrative records
- disability status (severe/profound disability status) and disability type (physical, cognitive, sensory, social/emotional)
- student experiences of racism
- parent highest level of education, and employment status
- barriers to attendance and support required to complete Year 12 (for those who have not completed Year 12)
- proportion studying ATAR eligible Year 12 program, and Australian Tertiary Admission Rate (ATAR) score
- English as an Additional Language/Dialect student

Outcome 6

Aboriginal and Torres Strait Islander students reach their full potential through further education pathways

Target 6: By 2031, increase the proportion of Aboriginal and Torres Strait Islander people aged 25-34 years who have completed a tertiary qualification (Certificate III and above) to 70 per cent.

Indicators:

Drivers:

- Higher education commencement (university component), attrition, and completion rates (time series, cohort analyses - 4, 6 and 9 years)
- Higher education application, offers and acceptance rates (by gender, SES and ATAR levels)
- Cert III and above VET commencements, attrition and completion rates

Contextual Information:

- Field of Education for higher education and VET
- Higher education students' views on outcomes, behaviours and satisfaction
- Destinations and satisfaction of higher education graduates
- VET graduate outcomes and satisfaction levels
- Progress towards parity

Disaggregation:

- States/territories
- Remoteness areas
- Socio-economic status of the locality
- Proportions completing tertiary qualifications by highest qualification achieved (Australian Qualifications Framework (AQF) level)
- Disability status
- Gender

Data Development:

Explore options to measure and report:

- costs and barriers to tertiary enrolment and completions, students in receipt of scholarship/s
- student health status
- proportion of students who are first in their family to undertake higher education
- proportion of school-leavers going into higher-level VET and Higher education, by qualification level

Outcome 7

Aboriginal and Torres Strait Islander youth are engaged in employment or education

Target 7: By 2031, increase the proportion of Aboriginal and Torres Strait Islander youth (15-24 years) who are in employment, education or training to 67 percent.

Indicators:

Drivers:

- Proportion of youth Not Engaged in Employment, Education or Training (NEET) by disability, long term health condition, caring responsibility, looking for work
- Proportion of NEET by main reason for not studying in last 12 months

Contextual information:

- For youth engaged in education:
 - type of educational institution attending (school/ technical and further education/higher education)
 - highest education level completed
- For youth engaged in employment:
 - proportion self-employed
 - proportion by occupation
 - proportion by industry
- Proportion not engaged in employment, education or training (NEET) by:
 - highest education level completed
- Progress towards parity

Disaggregation:

- Geographic area (jurisdiction, remoteness, other geographic categories available)
- Socio-economic status of the locality
- Single year of age (to capture compulsory education age)
- Gender
- Disability status
- Categories of engagement with employment, education or training (e.g. full time study and part-time employment, full time study, full time employment, part time study and employment)

Data Development:

Explore options to measure and report on the list of measures below, including relative importance and expected impact on the target:

- barriers to youth engagement
 - caring responsibility
 - financial limitations
 - long term health condition
 - mental health or psychological distress
 - lack of transport
 - homelessness
 - domestic violence
 - discrimination
 - substance misuse
 - incarceration and recidivism

Outcome 8

Strong economic participation and development of Aboriginal and Torres Strait Islander people and communities

Target 8: By 2031, increase the proportion of Aboriginal and Torres Strait Islander people aged 25-64 who are employed to 62 per cent.

Indicators:

Drivers:

- Highest level of educational attainment
- Long term health and disability status
- Caring responsibilities

Contextual information:

- Employment by occupation
- Employment by industry
- Median equivalised gross household income
- Median personal income
- Labour force participation
- Self-managed business owners
- Progress towards parity

Disaggregation:

- States/territories
- Remoteness areas
- Socio-economic status of the locality
- Disability status
- Gender
- Age group
- Level of education
- Type of employment – part-time versus full-time

Data Development:

Explore options to measure and report:

- employment security (permanent or casual)
- Aboriginal and Torres Strait Islander owned businesses including:
 - number and as a proportion of all businesses
 - growth and revenue
 - sectors and industries
- barriers to labour market participation including health and disability
- underemployment among Aboriginal and Torres Strait Islander people
- long term unemployment and welfare dependency
- median personal income from employment

Outcome 9

Aboriginal and Torres Strait Islander people secure appropriate, affordable housing that is aligned with their priorities and need

Target 9: By 2031, increase the proportion of Aboriginal and Torres Strait Islander people living in appropriately sized (not overcrowded) housing to 88 per cent.

Indicators:

Drivers:

- Change in population by location
- Change in social housing dwellings by location

Contextual information:

- Home ownership rate (including by location and tenure type)
- Homelessness rate including by type (e.g. Transitional housing/sleeping rough) and age group
- Structural problems including functional health hardware Australian Bureau of Statistics (ABS) measure of acceptable standard of housing)
- Low income household experiencing rental stress/mortgage stress
- Social housing dwellings per 100 households by location
- Progress towards parity

Disaggregation:

- States/territories
- Remoteness areas
- Other small geographic areas (where possible)
- Socio-economic status of the locality
- Disability status
- Gender
- Age group
- Overcrowding status (1, 2, 3, 4 or more additional bedrooms required)
- Tenure type

Data Development:

Explore options to measure and report:

- levels of overcrowding specific to Australian conditions
- proximity to services (in addition to the ABS' current remoteness structure reporting)
- affordable living (including cost of electricity, transport costs, etc.)
- environmental health outcomes (e.g. rheumatic fever and rheumatic heart disease)
- environmental health activities (e.g. programs, services and partnerships)
- family and kin obligations that lead to overcrowding (temporary or permanent)
- social housing, including:
 - transfers from social housing to private rental and/or home ownership
 - satisfaction of social housing tenants with amenities, location, and maintenance services
 - social housing dwellings as a proportion of all dwellings

Outcome 10

Aboriginal and Torres Strait Islander people are not overrepresented in the criminal justice system

Target 10: By 2031, reduce the rate of Aboriginal and Torres Strait Islander adults held in incarceration by at least 15 per cent.

Indicators:

Drivers:

- Proportion of Aboriginal and Torres Strait Islander people charged by police
- Proportion of Aboriginal and Torres Strait Islander people convicted and sentenced (by offence and type of sentence)
- Aboriginal and Torres Strait Islander prisoner by offence type (most serious and other offences) and number of offences
- Proportion of prisoners by legal status (sentenced vs unsentenced); and by sentence length
- Number and rate of unique alleged offenders processed by police
- Proportion of prisoners previously incarcerated; number of unique episodes of incarceration
- Mental health, substance abuse issues, family history of incarceration, employment post release, history of victimisation
- Entry rate to incarceration – newly sentenced to prison

Contextual information:

- Rates of death in prison custody of Aboriginal and Torres Strait Islander prisoners, by cause of death
- Proportion spending greater periods of time on remand
- Progress towards parity

Disaggregation:

- Geographic area (jurisdiction, remoteness, other geographic categories available)
- Socio-economic status of the locality
- Age
- Gender

Data Development:

Explore options to measure and report:

- access to services in police custody
 - Aboriginal community-controlled legal services, including data on police use of custody notification systems
 - cultural competency training completed by police
- access to services in prison (disaggregated by sentenced/unsentenced prisoners)
 - availability of and participation in culturally safe health and mental health services, including health and disability assessment on entering prison
 - support provided to prisoners who are parents to keep engaged with family
 - cultural competency training completed by corrections staff
 - availability of and participation rates for prison-based programs, including vocational training, behavioural and specialist programs such as addiction
- access to services in police custody
 - rehabilitation and reintegration support, and building cultural strength

Outcome 10

Aboriginal and Torres Strait Islander people are not overrepresented in the criminal justice system

- police data on caution, diversion, arrests and stops by Indigeneity, including multiple instances of contact, and deaths in police custody
- proportion of offenders denied bail/parole by type of offence and reason for denial (including lack of accommodation)
- data linkages to identify long term outcomes after incarceration (employment, education)
- data disaggregation by age at first contact with the criminal justice system

Outcome 11

Aboriginal and Torres Strait Islander young people are not overrepresented in the criminal justice system

Target 11: By 2031, reduce the rate of Aboriginal and Torres Strait Islander young people (10-17 years) in detention by at least 30 per cent.

Indicators:

Drivers:

- Un-sentenced detention rates
- Average time in detention for unsentenced youth
- Proportion of young alleged offenders (10-17 years) involved in police proceedings including charges and summons, cautions, diversions
- Proportion of young people convicted and sentenced, by type of sentence (community supervision, detention)
- Entrant rate to detention – newly sentenced to youth detention
- Proportion of youth under community supervision transitioning to detention
- Young people returning to detention or community supervision
- Proportion of young people first coming into youth justice system aged 10-13 (offending and courts data, first entry to detention)

Contextual information:

- Community supervision trends
 - proportion of young people in detention who had received child protection services (including out-of-home care)
- Proportion exiting detention, by reason
- Progress towards parity

Disaggregation:

- Geographic area (jurisdiction, remoteness, other geographic categories available)
- Socio-economic status of the locality
- Age (10-13, 14-17 year olds)
- Gender

Data Development:

Explore options to measure and report:

- disaggregation of police contact by caution, charges, prosecution, and diversion (by type)
- detentions by offence type
- reasons for young people being placed on remand
- access to services at first interaction with criminal justice system, by type and availability
- training provided and undertaken by police and workers engaging with youth, including cultural safety and trauma-informed practice
- access to services in detention (health, trauma, mental health and wellbeing, cultural engagement and support of young people in detention)
- disaggregation of data by:
 - disability status, including prevalence of neurodevelopmental impairment and foetal alcohol spectrum disorder
 - geographic area of residence/offending
- consistent definitions of youth detention and recidivism across jurisdictions
- rates of death in prison custody of Aboriginal and Torres Strait Islander youth prisoners, by cause of death
- proportion of young people in detention who had:

- experienced domestic and family violence, abuse/neglect
- received alcohol and other drug treatment services (ongoing reporting)
- received specialist homelessness services
- experienced mental health issues
- been expelled or suspended from school
- access to culturally secure services and programs while in detention, by type and timing of service

Outcome 12

Aboriginal and Torres Strait Islander children are not overrepresented in the child protection system

Target 12: By 2031, reduce the rate of over-representation of Aboriginal and Torres Strait Islander children in out-of-home care by 45 per cent.

Indicators:

Drivers:

- Number of Aboriginal and Torres Strait Islander children in out-of-home care
- Proportion of children in out-of-home care (0-17 years old) that are Aboriginal and Torres Strait Islander
- Proportion of children on care and protection order that are Aboriginal and Torres Strait Islander

Contextual information:

- Proportion of children (0-17 years old) who spent time in out-of-home care by length of time categories (e.g. 12 months, 24 months etc.) that are Aboriginal and Torres Strait Islander
- Measuring progress of the application of the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP): Proportion of Aboriginal and Torres Strait Islander children in out-of-home care by type of placement; by relationship with caregiver
- Proportion of children aged 0-17 in out-of-home care that are Aboriginal and Torres Strait Islander who were placed with relatives or kin, or other Aboriginal and Torres Strait Islander carers
- The proportion of children aged 0-17 in out-of-home care that are Aboriginal and Torres Strait Islander who have current documented and approved cultural support plans
- Proportion of children admitted to out-of-home care that are Aboriginal and Torres Strait Islander
- Proportion of children who exited out-of-home-care to a permanency outcome that are Aboriginal and Torres Strait Islander
- Proportion of children 0-17 discharged from out-of-home care that are Aboriginal and Torres Strait Islander
- Proportion of children that are Aboriginal and Torres Strait Islander aged 0-16 who exited out-of-home care to reunification in the previous year and did not return to out-of-home care in 12 months or less
- Proportion of children who were subjects of substantiations of notifications that are Aboriginal and Torres Strait Islander
- Rates of substantiation of a notification by type of abuse, including emotional abuse, neglect, physical abuse and sexual abuse
- Proportion of children who were the subject of a substantiation of a notification that are Aboriginal and Torres Strait Islander by type of abuse, including emotional abuse, neglect, physical abuse and sexual abuse

Disaggregation:

- Age
- Gender
- Indigenous status where available

Data Development:

Explore options to measure and report:

- measures of culturally competent child protection response:
 - National Compliance Framework for the ATSICPP that is consistent with indicators being developed by the Australian Institute of Health and Welfare (AIHW), in collaboration with the Secretariat of National Aboriginal and Islander Child Care (SNAICC), Child and Family Services (CAFS) Strategic Information Group (SIG) and Children and Families Data Network (CAFDAN), across jurisdictions, to fully measure the five elements of the ATSICPP: prevention, placement, partnership, participation and connection.
- rates of children and families accessing family support services and intensive family support services

- proportion of children and families accessing family support services and intensive family support services that are Aboriginal and Torres Strait Islander
- self-reported safety and wellbeing in out-of-home care, including perceived: safety in placement, mental health and wellbeing and connection to family, community and culture
- rates of re-substantiation of a notification by type of abuse, including emotional abuse, neglect, physical abuse and sexual abuse
- proportion of children 0-17 discharged from out-of-home-care due to ageing out that are Aboriginal and Torres Strait Islander
- the prevalence of child maltreatment of Aboriginal and Torres Strait Islander children linked to the Australian Child Maltreatment Study

Disaggregation

- Geographic area (jurisdiction, remoteness, other geographic categories available)
- SES of the locality

Outcome 13

Aboriginal and Torres Strait Islander families and households are safe

Target 13: A significant and sustained reduction in violence and abuse against Aboriginal and Torres Strait Islander women and children towards zero.

Indicators:

Contextual information

For Aboriginal and Torres Strait Islander women and children:

- Rates of Aboriginal and Torres Strait Islander child protection substantiations related to family violence
- Rates of Aboriginal and Torres Strait Islander children entering out-of-home care and receiving protection orders, where family violence is indicated
- Rates of victims of family and domestic violence recorded by police (NSW, QLD, SA & NT)
- Rates of victims of sexual assault by victim-offender relationship
- Rates of self-reported physical violence by relationship to perpetrator (15 years old +)
- Hospitalisation rates for family and domestic violence related to assaults for women and children; by relationship to perpetrator
- Homicide victim rates, by victim-offender relationship
- Proportion seeking assistance from Specialist Homelessness Services for reasons of domestic/family violence
- Proportion of Aboriginal and Torres Strait Islander women who consider that violence is a problem in their community

Disaggregation:

- Geographic area (jurisdiction, remoteness, other geographic categories available)
- Socio-economic status of the locality
- Age

Data Development

Explore options to measure and report:

rates of access to support services, including mainstream family violence services and Aboriginal and Torres Strait Islander specific services, such as Family Violence Prevention Legal Services (FVPLS) and Family Advocacy and Support Services (FASS)

rates of Aboriginal and Torres Strait Islander families' engagement with the family law system

rates of access to family support and intensive family support services

consistency in identification, capturing and counting procedures between different data sets and jurisdictions:

improved capture of cause of injury in national emergency department data

long term pathways, impacts and outcomes for victims, perpetrators and their children

rates of self-reported family and domestic violence and abuse including coercive control, physical abuse, sexual abuse, emotional abuse, financial abuse and technological abuse

rates of family and domestic violence and abuse among Indigenous women and children - including coercive control, physical abuse, sexual abuse, emotional abuse, financial abuse and technological abuse
perpetrators of violence against Aboriginal and Torres Strait Islander women and children by Indigenous status

the prevalence of child maltreatment of Aboriginal and Torres Strait Islander children linked to the Australian Child Maltreatment Study

community attitudes towards violence against women and children

Outcome 14

Aboriginal and Torres Strait Islander people enjoy high levels of social and emotional wellbeing

Target 14: Significant and sustained reduction in suicide of Aboriginal and Torres Strait Islander people towards zero.

Indicators:

Drivers:

- Non-fatal hospitalisations for intentional self-harm
- Intentional self-harm mortality rate (suicide)
- Hospitalisations for mental health-related disorders

Contextual information:

- Proportion of Aboriginal and Torres Strait Islander people reporting experiencing psychological distress
- Proportion of people reported experiencing one of more barriers accessing health services
- Mental health-related disorders mortality rates
- Proportion who report having experienced racism in the previous 12 months

Disaggregation:

- States/territories
- Remoteness areas
- Socio-economic status of the locality
- Gender
- Age group

Data Development:

Explore options to measure and report:

- mental health related Medicare services by GPs, Psychologists and Psychiatrists
- specialised mental health care services
- barriers to accessing mental health services
- improve the quality of Aboriginal and Torres Strait Islander identification in deaths data, to support reporting of mental health-related mortality data including self-harm mortality data for all states and territories, and at regional/community levels
- main factors leading to suicide by Aboriginal and Torres Strait Islander people
- alternative measure of psychological distress (preferably non-survey based)
- mental and behavioural mortality data including self-harm mortality data for all states and territories, and at regional/community levels
- prevalence of racist attitudes against Aboriginal and Torres Strait Islander people held by the Australian community
- rate of Aboriginal and Torres Strait Islander people who feel a strong connection to culture and community
- explore measures of suicide ideation, particularly among youth

Outcome 15

Aboriginal and Torres Strait Islander people maintain a distinctive cultural, spiritual, physical and economic relationship with their land and waters

Target 15a: By 2030, a 15 per cent increase in Australia's landmass subject to Aboriginal and Torres Strait Islander people's legal rights or interests.

Target 15b: By 2030, a 15 per cent increase in areas covered by Aboriginal and Torres Strait Islander people's legal rights or interests in the sea.

Indicators:

Drivers:

- Aboriginal and Torres Strait Islander people's owned land and water titles
- Number of land claims resolved under Commonwealth, state and territory land rights legislation
- Number of positive Native Title Determinations

Contextual information:

- Number of Indigenous Land Use Agreements (ILUAs) on the Register of Indigenous Land Use Agreements
- Income of registered native title bodies corporate as reported to the Office of the Registrar of Indigenous Corporations (ORIC), including income from businesses or grants
- Charitable trusts holding native title and land rights monies
- Number of Aboriginal and Torres Strait Islander people employed in water and land management
- Australia's conservation estate that is managed by Aboriginal and Torres Strait Islander people
- Proportion of Aboriginal and Torres Strait Islander people who recognise and live on homelands/traditional country

Disaggregation:

- States/territories

Data Development:

Explore options to measure and report:

- indicators for land use and development

Outcome 16

Aboriginal and Torres Strait Islander cultures and languages are strong, supported and flourishing

Target 16: By 2031, there is a sustained increase in number and strength of Aboriginal and Torres Strait Islander languages being spoken.

Indicators:

Drivers:

- Proportion of Aboriginal and Torres Strait Islander languages categorised as strong
- Number of Aboriginal and Torres Strait Islander languages being spoken
- Number and age profile of the speakers of Aboriginal and Torres Strait Islander languages, including children
- Proportion of Aboriginal and Torres Strait Islander people who speak an Indigenous language

Contextual information:

- Number of Aboriginal and Torres Strait Islander people accessing Commonwealth funded language centres to maintain and preserve languages

Disaggregation:

Languages by:

- Traditional language and Kriol / Creole language
- Geographic area (jurisdiction, remoteness where possible)
- Strength of languages (according to Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) measures) including languages in the process of retrieval/revival
- Age
- Gender

Data Development:

- Measures of Aboriginal and Torres Strait Islander languages being taught/transmitted/spoken in Aboriginal community settings and organisations, including Language Centres
- Measures of Aboriginal and Torres Strait Islander languages spoken in Aboriginal community settings, particularly in family life
- Measures of Aboriginal and Torres Strait Islander languages being taught in early-learning, primary and secondary schools
- Other demographic measures of people who speak an Aboriginal and Torres Strait Islander language
- Other economic opportunities that arise for people who speak an Aboriginal and Torres Strait Islander language
- Measures of Aboriginal and Torres Strait Islander languages used in media
- Alternative indicators that demonstrate growth and strength of Aboriginal and Torres Strait Islander cultures
- Definition and measures of cultural enterprises that are associated with language growth and development
- Number of people employed as translators for Aboriginal and Torres Strait Islander languages

New or varied targets

85. The Parties may agree to vary or add additional targets after this Agreement has commenced. Any new or updated targets will be developed in partnership and agreed by the Parties to the Agreement, in accordance with Section 11A – Amendments to this Agreement.
86. Where a target is due to expire, the Parties agree to develop a new target in the same outcome area. The Parties will begin developing the new target at least six months prior to the projected target expiry. Additional actions to achieve the new target will be included in Parties' Implementation Plans.
87. The Parties commit to develop the following targets following signature of the Agreement:
- a. Within three months of signature:
 - i. **Family violence:** The Parties will give further consideration to the target for reducing violence and abuse against Aboriginal and Torres Strait Islander women and children. This will include the definition of family and domestic violence and related data issues, and whether the indicators require updating.
 - ii. **Access to information:** This target will measure Aboriginal and Torres Strait Islander people's access to the information and services that can enable participation in informed decision-making about their lives. This will require data development to measure digital inclusion, including ability to use the internet at home and in the community; accessibility of different online services; and the availability and use of culturally relevant media.

Within 12 months of signature:

- iii. **Community infrastructure:** The community infrastructure target will measure progress towards parity in infrastructure, essential services, and environmental health and conditions. This will include data development to measure essential service provision to Aboriginal and Torres Strait Islander communities, including water and sewerage, waste management, road reserves and electricity supply, as well composite measures to capture all aspects of the target.
- iv. **Inland waters:** The inland waters target will measure progress towards securing Aboriginal and Torres Strait Islander interests in water bodies inland from the coastal zone under state and territory water rights regimes. This will include data development to identify a nationally consistent measure for inland waters encompassing, for example, water licenses, water rights and water allocation plans.

Reporting and measuring progress on targets

88. The reporting on targets will show progress to close the gap, relative to non-Indigenous Australians. National trajectories for each numeric target will be published on the Closing the Gap website on commencement of this Agreement and subsequently on the Productivity Commission Dashboard following its development. These will show the expected rate of progress and help inform whether parties are on track to meet the targets.
89. Available baseline data for each state and territory will be published on the Closing the Gap website on commencement of this Agreement and subsequently on the Productivity Commission Dashboard following its development to enable monitoring of each jurisdiction's progress and contribution

towards achievement of targets under this Agreement. The Productivity Commission will also publish baseline data for any new target agreed under this Agreement.

90. Government Parties commit to sharing quantitative and qualitative data, other than that which is precluded by privacy requirements or commercial-in-confidence, to meet the reporting requirements of this Agreement and any associated reviews, annual priority setting or policy adjustments, to be properly informed by evidence.
91. Parties commit to undertaking actions if a target is not on track to be achieved or if one of the Productivity Commission's three-yearly reviews indicates (Section 9C) that achievement of the target is not on track. Actions to get the target back on track will be included in Jurisdictional Implementation Plans.

Data Development Plan

92. The Parties will establish a data development plan for data development actions identified in Table A and Table B, for endorsement by Joint Council within 2 years of this Agreement commencing. The data development plan will:
- a. be developed in partnership and jointly agreed by all Parties
 - b. prioritise data development actions over the life of this Agreement
 - c. outline clear timeframes for actions to be delivered and which Party will be responsible for each action
 - d. be reviewed by Joint Council at the same time as it reviews the Productivity Commission and Aboriginal and Torres Strait Islander-led reviews, at which time Joint Council may consider changes to the plan.
93. The Parties acknowledge that within the Aboriginal and Torres Strait Islander population there are cohorts that are likely to experience greater levels of disadvantage and where it may be more difficult to close the gap. Where possible, data disaggregation of targets includes Aboriginal and Torres Strait Islander stolen generation survivors; people with disability; and LGBTQI status to make sure that progress on Closing the Gap can be monitored for these more vulnerable groups. Where this has not been possible due to data limitations, the Parties agree to consider how this data can be developed as part of the data development plan.
94. In recognition of the role of cultural determinants in Aboriginal and Torres Strait Islander health and wellbeing, spanning across a range of target areas, the Parties commit to identifying appropriate contextual indicators and information to aid reporting.
95. The Joint Council can make changes to indicators in the targets framework where data development activities indicate that changes are necessary.

8. HOW WE WILL IMPLEMENT THIS AGREEMENT

96. The achievement of the outcomes relies on the way in which the Parties implement this Agreement to ensure sustained effort over the term of the Agreement. The Parties commit to preparing a rigorous Implementation Plan that responds to the differing needs, priorities and circumstances of Aboriginal and Torres Strait Islander people across Australia. The Parties agree the Implementation Plans will be fully aligned with this Agreement and state that their purpose is to implement the Agreement.

97. The Parties agree that it is important for Aboriginal and Torres Strait Islander people to know that the new way of working is being implemented through the life of the Agreement and can monitor its progress. Accordingly, the Government Parties agree that when future actions are taken to implement the outcomes of this Agreement, the Agreement is acknowledged, including in public communications.

A. PARTNERSHIP ACTIONS

98. The Parties have committed to partnership actions to ensure key structural changes are implemented across the country by all governments to give effect to the Priority Reforms.

99. The partnership actions are a baseline of activity for joined up national action on the Priority Reforms. Government Parties will implement additional actions to give effect to the Priority Reforms through their implementation plans.

100. The Joint Council will monitor progress against the partnership actions.

101. New partnership actions will be agreed by the Parties to the Agreement throughout the life of this Agreement, including as existing actions are completed.

B. IMPLEMENTATION PLANS

Shared accountability

102. The Commonwealth, states and territories share accountability for the implementation of this Agreement and are jointly accountable for the outcomes and targets under this Agreement. The Government Parties commit to working together to improve outcomes in every area of this Agreement.

103. This approach reflects the roles and responsibilities as set out under the previous National Indigenous Reform Agreement, and specified in respective National Agreements, National Partnerships and other relevant bilateral agreements.

Implementation Plans

104. The Parties commit to implementing this Agreement and aligning relevant policies and programs to the Agreement.

105. The Parties will each develop their own Implementation Plan(s) to support achievement of the Agreement's objectives and outcomes.

106. The Implementation Plans are in addition to the partnership actions and will include data development actions identified in the Data Development Plan.

107. The Parties agree to demonstrate in their Implementation Plans a commitment to undertake all actions in a way that takes full account of, promotes, and does not diminish in any way, the cultures of Aboriginal and Torres Strait Islander people.

Jurisdictional Implementation Plans

108. Jurisdictional Implementation Plans will:

- a. be whole-of-government plans, covering government agencies and statutory bodies
- b. be developed and delivered in partnership between governments, the Coalition of Peaks, and other Aboriginal and Torres Strait Islander partners
- c. set out how existing policies and programs will be aligned to the Agreement
- d. set out actions to achieve the Priority Reforms and partnership actions
- e. set out actions to achieve the agreed outcomes and targets
- f. for transparency, include information on funding and timeframes for actions
- g. include the approach to annual reporting, including when they will release their public report
- h. include information on how the states and territories will work with local government to implement this Agreement (state and territory Implementation Plans only).

ALGA Implementation Plan

109. The Australian Local Government Association Implementation Plan will:

- a. ensure local governments understand the Agreement and its commitments, and encourage its adoption by local governments
- b. assist the state and territory governments to work with local governments in the implementation of this Agreement
- c. support strengthened shared decision-making at the local level, supporting local governments to be part of partnerships with the Commonwealth, state and territory governments and local Aboriginal and Torres Strait Islander communities.

Coalition of Peaks Implementation Plan

110. The Coalition of Peaks Implementation Plan will:

- a. be developed and delivered by all Coalition of Peaks members
- b. set out actions to communicate this Agreement with Aboriginal and Torres Strait Islander people, community and organisations
- c. set out actions to build Closing the Gap policy and program delivery expertise amongst Aboriginal and Torres Strait Islander people, community and organisations
- d. set out actions to build understanding and ownership of this Agreement by Aboriginal and Torres Strait Islander communities and organisations
- e. include timeframes for action.

Monitoring of Implementation Plans

111. The Joint Council is responsible for monitoring implementation of this Agreement including progress by the Parties against their Implementation Plans.

- a. The Parties will provide their Implementation Plans to the Joint Council within 12 months of this Agreement commencing
- b. The Joint Council may provide advice on implementation and how the Parties can work together to achieve shared outcomes of this Agreement, including where progress is not on track. It will not approve Implementation Plans or make formal recommendations on particular Implementation Plans
- c. Any Party to this Agreement may raise and discuss implementation actions with other Parties at any time and may put forward issues and best practice for discussion
- d. Updates to Implementation Plans will be provided to the Joint Council at its next meeting
- e. Each Party will publish its Implementation Plan on its website, including any updates.

Resourcing

112. The Parties acknowledge implementation of this Agreement will require significant and effective use of resources and efforts.
113. Government Parties, by July 2022, agree to review and identify current spending on Aboriginal and Torres Strait Islander programs and services to identify reprioritisation opportunities to Aboriginal and Torres Strait Islander organisations, particularly to community-controlled organisations. Actions taken to implement the outcomes of these reviews will be included in Jurisdictional Implementation Plans and annual reports.
114. The reviews at Clause 113 will also be discussed at Joint Council in the second half of 2022, where consideration will be given to whether additional joint budget work is needed to meet the activities under the Agreement.

9. BEING PUBLICLY ACCOUNTABLE FOR OUR ACTIONS

115. The Parties commit to independent oversight and accountability of progress under this Agreement.

A. DASHBOARD TO INFORM REPORTING OF PROGRESS AGAINST TARGETS AND KEY INDICATORS

116. The Productivity Commission will develop and maintain a publicly accessible dashboard comprising data and associated supporting materials to inform the reporting on progress on Closing the Gap. The dashboard will be updated on a regular basis (at a minimum, annually) and will be maintained for the full term of this Agreement.
117. The Productivity Commission will work with the Joint Council, through the Partnership Working Group, to develop the dashboard and annual data compilation report, which will be underpinned by an Information Repository that draws together a range of existing data sources. This work will include exploring opportunities for how live data can be used, and sharing information on when data updates are scheduled and/or made.

B. ANNUAL PUBLIC REPORTS BY EACH PARTY

118. The Parties agree to make public information on their progress on the Agreement and their Implementation Plans through annual public reports. The annual public reports will:
- a. draw from the dashboard and annual Productivity Commission data compilation report, to ensure consistency of measures of progress
 - b. include information on efforts to implement this Agreement's four Priority Reform areas, particularly outlining how implementation aligns with the principles for action
 - c. demonstrate how efforts, investment and actions are aligned and support the achievement of Closing the Gap goals
 - d. list the number of Aboriginal and Torres Strait Islander community-controlled organisations and other Aboriginal and Torres Strait Islander organisations that have been allocated funding for the purposes of Clause 24, 55a and 55b, and 135 of this Agreement; and subject to confidentiality requirements, also list the names of the organisations and the amount allocated.
119. Jurisdictions' public reports will be tabled in their Parliaments.
120. Subject to jurisdictional parliamentary rules, the Coalition of Peaks' annual reports can also be tabled in each Parliament.

C. PRODUCTIVITY COMMISSION REVIEW

121. The Productivity Commission will undertake a comprehensive review of progress every three years. This review will complement the Aboriginal and Torres Strait Islander-led review (below). It will provide an analysis of progress on Closing the Gap against the priority reforms, targets, indicators and trajectories, and examine the factors contributing to progress, including by drawing on evaluation and other evidence.
122. The Productivity Commission's review may include advice to the Joint Council on potential changes to this Agreement and its targets, indicators and trajectories, and on data improvements.
123. The Productivity Commission's findings will inform the ongoing implementation of this Agreement by highlighting areas of improvement, and emphasise where additional effort is required.
124. The Joint Council will provide advice on the terms of reference for the review to the Commonwealth Treasurer.

D. ABORIGINAL AND TORRES STRAIT ISLANDER LED REVIEW

125. Independent Aboriginal and Torres Strait Islander led reviews will be carried out within twelve months of each independent review by the Productivity Commission. They are an opportunity to capture the lived experiences of Aboriginal and Torres Strait Islander people and communities of the implementation of this Agreement.
126. On the advice of the Coalition of Peaks, the Joint Council will agree the scope and conduct of this review, including mechanisms to ensure its independence. The review's report will be provided to the Joint Council, be made public, and may include advice on potential changes to this Agreement.

127. The review will include a Coalition of Peaks' facilitated Aboriginal and Torres Strait Islander Assembly on Closing the Gap to provide for a wider group of people and organisations to participate formally and encourage broader ownership of the Agreement.
128. The Aboriginal and Torres Strait Islander led review will highlight areas of achievement and improvement, as well as priority areas where greater collective effort of the Parties is required.

E. RESPONSE BY THE JOINT COUNCIL TO THE REVIEWS

129. The Joint Council will provide a formal response to both reviews (Sections 9C and 9D) within six months of receiving them.
130. Each response may include recommendations to amend this Agreement, comments on the progress of jurisdictions, and suggestions for future approaches. Responses will be made public on the Closing the Gap website, in an accessible format.

F. ANNUAL UPDATE

131. The Joint Council will provide the Parties to the Agreement with an annual update at a meeting for discussion and advice on issues for decision on implementation of the Agreement.

10. ONGOING ENGAGEMENT

132. In order to achieve the objectives of this Agreement, the Parties will support Aboriginal and Torres Strait Islander people to take ownership of this Agreement.
133. The Parties are committed to ongoing engagement with Aboriginal and Torres Strait Islander people:
- a. to build awareness and ownership of the Agreement to assist Aboriginal and Torres Strait Islander people to talk to governments on how to apply the commitments under the Agreement to communities and organisations across the country, and
 - b. when significant changes to this Agreement are proposed.
134. An ongoing joint communications strategy will be developed by the Parties for this purpose, which will be considered by the Joint Council within six months of the commencement of this Agreement.
135. The joint communications strategy will include a central role for Aboriginal and Torres Strait Islander media, in particular community-controlled media, including the promotion and distribution of material and information across a range of mediums to Aboriginal and Torres Strait Islander people, as well as to other Australians.
136. All communications under the Agreement should be widely accessible and help to preserve Aboriginal and Torres Strait Islander languages.

11. GOVERNANCE

A. AMENDMENTS TO THIS AGREEMENT

137. This Agreement can only be changed by First Ministers and the President of ALGA with the Coalition of Peaks. This can be done at any time by agreement in writing of all Parties.
138. Schedules to this Agreement may be added or amended at any time by agreement in writing of all Parties.

B. ADMINISTRATION OF THIS AGREEMENT

139. The Joint Council will be responsible for ongoing administration and oversight of this Agreement and can delegate agreed matters to the Partnership Working Group.

C. DISPUTE RESOLUTION

140. Any Party may give written notice to the Partnership Working Group of a dispute under this Agreement.
141. The Partnership Working Group will attempt to resolve any dispute in the first instance.
142. If a dispute cannot be resolved by the Partnership Working Group, the matter may be escalated to the Joint Council or relevant Ministers.
143. Any Party may terminate their participation in this Agreement at any time by notifying all the other Parties in writing, following best endeavours to first resolve any matters with other Parties.

D. STATUS OF THIS AGREEMENT

144. The Parties do not intend any of the provisions of this Agreement to be legally enforceable. However, this does not lessen the Parties' commitment to this Agreement. All Parties are committed to implementing this Agreement to its fullest.

E. PUBLICATION OF THIS AGREEMENT

145. This Agreement will be published on the Closing the Gap website and remain there for the life of this Agreement. Any subsequent changes to the Agreement will also be published on the website.
146. The Parties will develop plain English, accessible materials and materials in language that can be accessed by Aboriginal and Torres Strait Islander people across Australia in support of this Agreement. These will be updated to reflect any changes to this Agreement.

12. DEFINITIONS

- **Aboriginal and Torres Strait Islander organisation (other than an Aboriginal and Torres Strait Islander community-controlled organisation)** – a business, charity, not-for-profit organisation, incorporated under Commonwealth, state or territory legislation, that has at least 51% Aboriginal and/or Torres Strait Islander ownership and/or directorship and is operated for the benefit of Aboriginal and Torres Strait Islander communities.
- **ALGA** – Australian Local Government Association
- **Annual data compilation report** – prepared by the Productivity Commission, this provides a *point-in-time* snapshot of the Dashboard material (see definition of ‘Dashboard’ below).
- **Coalition of Peaks** – Coalition of Aboriginal and Torres Strait Islander Community-Controlled Peak Organisations. The Coalition of Peaks is a representative body consisting of Aboriginal and Torres Strait Islander national and state and territory community-controlled peak organisations who work to improve life outcomes for Aboriginal and Torres Strait Islander people.
- **Cultural Safety** – Cultural safety is about overcoming the power imbalances of places, people and policies that occur between the majority non-Indigenous position and the minority Aboriginal and Torres Strait Islander person so that there is no assault, challenge or denial of the Aboriginal and Torres Strait Islander person’s identity, of who they are and what they need. Cultural safety is met through actions from the majority position which recognise, respect, and nurture the unique cultural identity of Aboriginal and Torres Strait Islander people. Only the Aboriginal and Torres Strait Islander person who is recipient of a service or interaction can determine whether it is culturally safe.
- **Dashboard** – prepared by the Productivity Commission, this provides in a visual format the most *up-to-date* information available to inform reporting on progress against the Closing the Gap targets and indicators.
- **First Ministers** – the Prime Minister, state and territory Premiers and Chief Ministers and the President of the Australian Local Government Association (ALGA).
- **Formal Partnerships** – agreed arrangements (policy and place-based) between governments and Aboriginal and Torres Strait Islander people that set out who makes decisions, how decisions are made, and what decisions will be about.
- **Governments/Government Parties** – all Australian Governments, consisting of the Commonwealth, states and territories, and ALGA.
- **Implementation Plan** – Publicly available plan developed by each Party detailing how the Party will implement the Agreement.
- **Joint Council** – Joint Council on Closing the Gap. Ministerial Council on Closing the Gap, with representation from Government Parties and the Coalition of Peaks. Further details on the Joint Council can be found in the Partnership Agreement on Closing the Gap 2019-2029.
- **Jurisdictions** – The Commonwealth, states and territories.
- **Mainstream institutions and agencies** – Government agencies, institutions, organisations and services they fund that develop policies or deliver services to all Australians, including Aboriginal and Torres Strait Islander people.

- **NIRA** – COAG National Indigenous Reform Agreement 2008 that set out COAG’s initial Closing the Gap strategy.
- **Partnership Agreement** – Partnership Agreement on Closing the Gap 2019-2029, signed by COAG and the Coalition of Peaks, setting out shared decision-making arrangements on the next phase of Closing the Gap.
- **Partnership Working Group** – Working Group established by the Joint Council on Closing the Gap, comprising representatives of each Government Party and the Coalition of Peaks, with the role of developing and progressing issues for upcoming Joint Council meetings.
- **Productivity Commission** – Australian government’s independent research and advisory body on a range of economic, social and environmental issues affecting the welfare of Australians.
- **Significant and sustained** – A year-on-year improvement relative to the baseline data that is equal to or greater than the historic rate of change.