

JOINT COUNCIL RESPONSE TO THE 2020 PARTNERSHIP HEALTH CHECK

Overview of Response

The National Agreement on Closing the Gap is underpinned by a Partnership Agreement which expresses the agreed arrangements for formal partnership between all Australian Governments and Aboriginal and Torres Strait Islander peoples, represented by the Coalition of Aboriginal and Torres Strait Islander Peak Organisations (Coalition of Peaks). The Partnership Agreement commits Parties to conduct annual Health Checks to support continual improvements to the partnership as it evolves and matures.

The Partnership Agreement is unprecedented and all Parties recognise that achieving its objectives requires concerted effort, in particular to overcome entrenched ways of doing Indigenous business including identifying and addressing systemic and structural racism, discrimination and unconscious bias and other barriers to Aboriginal and Torres Strait Islander people's equal participation in the Partnership Agreement. Governments acknowledged today the need to continue to build their own capability to engage with Aboriginal and Torres Strait Islander people.

The Parties recognise that the Coalition of Peaks is Party to the National Agreement and that it also represents members whose lives and families are inseparable from the outcomes of the National Agreement.

It is acknowledged that restrictions arising from the COVID-19 pandemic have constrained the objective of strengthening relationships because partnership members have been unable to meet in person over the past year, both through the Partnership Working Group (PWG) and Joint Council. Most contact has had to occur via videoconference. Quality opportunities for formal and informal personal contact have been denied, and it will be important to identify actions into the future that help address this.

The first Partnership Health Check was completed at the end of 2020. All Parties welcome the Health Check report and thank the author for bringing his experience to its preparation and also extend appreciation to contributors representing Aboriginal and Torres Strait Islander community-controlled organisations and Australian governments for their willingness to provide frank and robust feedback in the interests of strengthening the ongoing partnership.

The Parties acknowledge it will take sustained effort and time to implement new ways of working and for changed attitudes to become commonplace. The Health Check process is an important way to review progress, hold parties to account and improve the foundations being laid for a new way of working that will steer the next generation of leaders. The Parties approach this challenge in the spirit of partnership and shared decision-making. A number of the recommendations in the Partnership Health Check correspond to processes that have commenced since its completion and the Joint Council looks forward to receiving updates on these.

At its meeting in November 2020, Joint Council reviewed the Partnership Health Check report and agreed that the PWG would set aside time at its first meeting in 2021 to explore the issues raised in the report more thoroughly. PWG conducted a workshop in February and, based on advice from the Group, Joint Council today agreed the responses outlined below.

Responses to specific recommendations

Recommendation		Response
Stage One – Initial Consideration		
<i>Institutionalising consideration of the Partnership Agreement Health Check and Risk Register</i>		
1.	That sufficient time is set aside at the first Joint Council meeting each year to reflect upon and consider the findings and recommendations of the Partnership Agreement Health Check report and review the Risk Register, beginning with the first meeting in 2021.	<p>Agreed.</p> <p>Joint Council considered the response to the Partnership Health Check at its first meeting of 2021 (April), including the Risk Register, and commits to doing so on an annual basis following each Partnership Health Check</p> <p>The PWG has also agreed to hold a dedicated annual discussion following each Partnership Health Check.</p>
<i>Building a shared understanding of how the partners will work together going forward</i>		
2.	That a meeting of the PWG is convened at the earliest opportunity for a frank and open conversation about the issues raised in this Health Check and how the divergent views of the Parties may be accommodated.	<p>Agreed.</p> <p>The PWG held a dedicated workshop on the Partnership Health Check at its first meeting of 2021 (February). This meeting was facilitated by an Aboriginal consultant with expertise in partnerships between First Nations Peoples and governments. PWG commits to continue this practice for future Partnership Health Checks.</p> <p>The Parties agree frank and open conversation is vital to the success of the partnership: to build a shared understanding of each other's perspectives, work diligently to narrow differences, while recognising there may still be areas of respectful disagreement. Overcoming entrenched ways of designing and implementing Indigenous policies and programs is a challenge which the Parties recognise requires ongoing concerted action.</p> <p>The Partnership Agreement commits all Parties to actively identify and address barriers to equal participation in the partnership by the Coalition of Peaks. The PWG discussion considered both the issues impacting on the Coalition of Peaks' full participation under the Partnership Agreement and the Health Check Report's recommendations in detail.</p>

		<p>PWG agrees to include an item at the end of each meeting to reflect on positive aspects of the meeting from a partnership perspective, as well as any opportunities for improvement.</p> <p>The PWG acknowledge restrictions imposed under the COVID-19 pandemic have unfortunately limited opportunities for relationship-building through personal contact of the parties over the past year.</p> <p>Joint Council agreed to a set of strategic actions to strengthen the approach to implementation of the National Agreement at its November 2020 meeting, several of which relate also to the recommendations in the Health Check.</p>
<p><i>Publishing the Health Check report and Parties responses to the recommendations to help inform the deliberations of other partnerships forming under the National Agreement.</i></p>		
3.	<p>That this Health Check report and the Parties' response to the Stage One recommendations be made public following the Joint Council meeting in November 2020.</p>	<p>Agreed in principle.</p> <p>Joint Council agreed at its November 2020 meeting to release the Partnership Health Check in full following its first meeting in 2021 (16 April 2021), to allow for the report and their response to be released concurrently. This enables the public to have all the relevant information at the same time, including Joint Council's full response.</p> <p>Publication will assist other partnerships forming across the country to take account of the lessons being learned under this partnership.</p> <p>The Partnership Health Check and this response is available at closingthegap.gov.au.</p>
<p>Stage Two – Actions required to strengthen the Partnership</p>		
<p><i>Agreeing the Risk Register</i></p>		
4.	<p>That the draft Risk Register at Appendix A is considered, and an agreed Risk Register is made public.</p>	<p>Agreed.</p> <p>The PWG reviewed the draft risk register at the February workshop and agreed a final document for Joint Council consideration and subsequent publication. The Risk Register agreed by Joint Council is at <u>Attachment A</u>.</p>
<p><i>Developing a written protocol outlining expectations to support greater shared decision-making</i></p>		
5.	<p>That a protocol be agreed confirming that:</p>	<p>Each item has been addressed separately, below.</p>

	<p>a. The Parties will seek to work together in partnership, build a shared understanding of each other’s perspectives, noting that there is always room for robust but respectful discussion;</p>	<p>Agreed.</p> <p>At the facilitated workshop of the PWG and at the April 2021 meeting of the Joint Council, Parties shared how they are approaching the Partnership and the obligations and responsibilities they feel in their respective roles.</p> <p>Coalition of Peaks are direct participants in both the Partnership Working Group and the Joint Council, and accountable to Aboriginal and Torres Strait Islander communities.</p> <p>Given this perspective, the parties note the importance of the annual update, which is a commitment under Clause 131 of the National Agreement. The active engagement of First Ministers, in addition to Ministers for Indigenous Australians, will be important for effective implementation of the National Agreement.</p>
	<p>b. The Parties acknowledge that the Coalition of Peaks, as representatives of the community-controlled organisations accountable to their communities, feel the weight of their needs and expectations;</p>	<p>Agreed.</p> <p>The Parties recognise the Coalition of Peaks feel a sense of urgency and accountability for delivering outcomes for their members, communities and families.</p>
	<p>c. The Parties agree that the principles elaborated in the National Agreement extend to all partnerships between governments and Aboriginal and Torres Strait Islander organisations and communities;</p>	<p>Agreed.</p> <p>Parties agree that the National Agreement and subsequent Joint Council decisions already commit Parties to a number of actions that address the issues raised in this recommendation. These include joint development of jurisdictional Implementation Plans, scheduled to be in place by July 2021, developed in partnership and which clearly set out how partners will work together – including shared decision-making, who will participate and what they seek to achieve. These actions will be reviewed through the jurisdictional partnerships, through the PWG and Joint Council consideration of partnership actions and the Parties dedicated review of Priority Reform One in 2025.</p>
	<p>d. All partnerships under the National Agreement are defined in writing clearly stating the who, how and what – who the partners are, how they will work together and what they agree to do together;</p>	<p>Agreed.</p> <p>Parties have committed to this action under Priority Reform One of the National Agreement, and through jurisdictional partnerships.</p>

	<p>e. Arrangements are in place for the Coalition of Peaks to take a leadership role in the Partnership going forward;</p>	<p>Agreed in principle</p> <p>The Parties agree that the Coalition of Peaks' leadership is best exercised when it can put proposals for consideration by government parties that reflect the positions and aspirations of their memberships and Aboriginal and Torres Strait Islander people more generally. At this early stage of the Partnership, this has been the most effective way to ensure the voices of the Coalition of Peaks are heard and taken account of in a meaningful way.</p>
		<p>The Partnership Agreement and National Agreement also set out an operational leadership role of the Coalition of Peaks to deliver on its contribution to these Agreements. These roles are reaffirmed in the Terms of Reference for the Joint Council and PWG, where the Coalition of Peaks co- chair both Joint Council and PWG.</p> <p>The Joint Council Terms of Reference are required to be updated every 12 months and the Parties have agreed that this should be done following each Partnership Health Check in order to ensure the role continues to reflect needs and lessons learnt from working in partnership.</p> <p>Under the revised PWG and Joint Council Terms of Reference, Parties have confirmed that all Parties can add items to the agenda, and develop papers and bring them to Drafting Group.</p>
	<p>f. Confidentiality arrangements when partnerships and implementation plans are being negotiated;</p>	<p>Agreed.</p> <p>Parties agree confidentiality is essential to maintaining trust within the partnership, while also balancing the need for all parties to consult with their stakeholders on partnerships and implementation plans under development. Confidentiality arrangements should be incorporated into Individual jurisdictional implementation plan governance arrangements, and, where required, PWG papers on specific issues.</p>
	<p>g. The Parties agree to notify each other when any Party chooses to make a comment to the media about matters relating to the Partnership Agreement or implementation of National Agreement – not to silence anyone but</p>	<p>Agreed.</p> <p>The National Agreement commits parties to develop a joint communications strategy, which was agreed by Joint Council at its April 2021 meeting. This includes media protocols.</p>

	to prepare for any positive or negative publicity.	
<i>Embedding cultural change</i>		
6.	That the Government Parties agree that each jurisdiction will implement a change management process consistent with the National Agreement to embed within their institutions of government the cultural change required so the new arrangements become the norm and are not reliant on key individuals.	<p>Agreed.</p> <p>Commensurate with the shift to how governments work with Aboriginal and Torres Strait Islander people outlined in the Partnership Agreement, Parties are currently implementing a change management process (knowledge-building and changes practices) to deliver on their commitments under the National Agreement.</p> <p>The National Agreement on Closing the Gap and the Closing the Gap Partnership Agreement represent a fundamentally new way of working for all Parties, and this is reflected in the texts of the Agreements. Governments will include in their annual reports information on how they are undertaking this change management process, including how they are addressing the transformation elements outlined under Priority Reform Three of the National Agreement. There are also opportunities to share their approaches through the PWG.</p>
<i>Formalising the Drafting Group function of sifting through the draft papers for the Partnership Working Group, canvassing the issues and attempting to iron out any areas of dispute before they are presented for consideration.</i>		
7.	That the role of the Drafting Group be confirmed and formalised. Consideration should be given to the Drafting Group being co-chaired by a representative from one of the Government Parties and the Head of the Coalition of Peaks Secretariat.	<p>Agreed.</p> <p>A new Drafting Group Terms of Reference was agreed by PWG at their March 2021 meeting and is at Attachment D.</p>
<i>Managing the work of Joint Council and the Partnership Working Group to promote greater transparency and full and equal participation.</i>		
8.	That a Shared Forward Work Plan be agreed to enhance strategic planning, transparency, equal participation and shared decision making.	<p>Agreed.</p> <p>A 100 Days Forward Work Plan has been developed for use by the PWG and Joint Council to help prioritise matters to: lay the foundations for other actions; logically sequence them to build on one another; and ensure visibility of the risks and the wider context of what the</p>

		Partnership is seeking to achieve. Additionally, a public commitment tracker has been developed to enable Aboriginal and Torres Strait Islander people and other stakeholders to monitor progress in delivering on commitments under the National Agreement. This will be hosted on the Closing the Gap website and updated as actions are delivered.
9.	That the Shared Forward Work Plan be updated on each meeting to ensure its currency.	Agreed. The 100 Days Forward Work Plan will be updated for each PWG meeting, with a standing item to allow for consideration. The public commitment tracker will be updated online as actions are completed.
10.	That, in conjunction with the Forward Work Plan, a written process be agreed between the Parties which supports:	Agreed in principle. Each item has been addressed separately, below. Where possible, these recommendations have been incorporated into relevant Terms of Reference – Joint Council, PWG, and/or Drafting Group.
	a. Joint Council and PWG meeting dates being agreed at the beginning of each year so that all Parties can arrange their comprehensive and wholehearted participation;	Agreed. Dates and locations for the next year’s calendar for Joint Council and PWG meetings will be tabled at the last PWG meeting of the year and documented in the 100 Days Forward Work Plan, noting the Terms of Reference require Joint Council meetings to be held in April and October. Any changes to these agreed dates are to be agreed in writing between the Co-Chairs (or their delegates). The Terms of Reference for PWG and Joint Council have been updated to reflect this.
	b. Both Co-chairs agreeing meeting agendas and signing-off on any changes to dates, locations and / or agendas of meetings;	Agreed. As above.
	c. All Parties having authority to put forward proposals / papers for consideration by the PWG and submit them within the agreed timeframe for consideration;	Agreed. The Terms of Reference for PWG have been revised to make clear that all Parties can put forward proposals and papers for consideration by PWG.
	d. The timeframes being sufficient to allow all Parties time to consult and prepare their positions, i.e. circulated to Drafting Group at least two days in	Agreed. The Terms of Reference for PWG have been revised to make clear the timeframes required

	advance and to the PWG at least seven days in advance of each meeting, with the Co-chairs together having authority to agree to exceptions;	for circulation of papers. This is also included in the new Drafting Group Terms of Reference.
	e. Papers to PWG being agreed by the Drafting Group except for urgent and unforeseen papers which should then be signed off by the Co-chairs;	Agreed. The Terms of Reference for Drafting Group make clear the process for PWG papers going through Drafting Group.
	f. Papers for Joint Council being agreed by the PWG.	Agreed. Current practice for all Parties is that all papers for Joint Council consideration are agreed by the PWG at one of its preceding meetings. The Terms of Reference for both PWG and Joint Council have been updated to reflect this.
11.	Similar processes should be adopted by all jurisdictions in respect of the Jurisdictional Implementation Plans and other joint work under the National Agreement.	Agreed in principle. Parties recognise this as best practice for all jurisdictions, noting the importance for all jurisdictions to retain flexibility to take into account different contexts and situations. The Commonwealth has developed an agreed format to guide development of jurisdictional Implementation Plans.
<i>Resourcing of the Peaks and community-controlled sector</i>		
12.	The Coalition of Peaks should consider incorporating as a separate legal entity.	This is a matter for the Peaks.
13.	Funding should be guaranteed for the remaining period of the Partnership Agreement subject to a funding agreement negotiated between the Commonwealth and the Coalition of Peaks and on the condition that the Coalition of Peaks maintains a strong membership base and continues to function effectively.	Agreed in principle. Under the Partnership Agreement, the Parties acknowledge the Coalition of Peaks need to have adequate and ongoing financial support to enable them to engage and negotiate as equal partners within the formal Partnership Agreement. The Commonwealth is funding (2019 - 2022) the Coalition of Peaks to cover policy and administration secretariat support, and travel costs and will monitor on an ongoing basis and according to Commonwealth budget processes how the funding can be better targeted, or amended, to address emerging needs over time. Jurisdictions should also consider additional funding requests with the Peaks bilaterally. Government parties agree jurisdictions should also consider adequacy of funding, in line with Priority Reform One of the National Agreement (shared decision-making).

14.	Additional funding for the Coalition of Peaks should be considered in recognition of the change from a single focus to multiple actions across nine jurisdictions.	<p>Agreed in principle</p> <p>Under the Partnership Agreement, the Parties acknowledge the Coalition of Peaks need to have adequate and ongoing financial support to enable them to engage and negotiate as equal partners within the formal Partnership Agreement. The Commonwealth is funding (2019 - 2022) the Coalition of Peaks to cover policy and administration secretariat support, and travel costs and will monitor how the funding can be better targeted, or amended, to address the expanded focus. Some jurisdictions are considering bilateral funding requests from the Coalition of Peaks.</p> <p>Parties acknowledge that the implementation of the National Agreement requires more resources and attention than was required for the Partnership Agreement.</p> <p>The Parties also acknowledge that adequate resources are required to enable the Coalition of Peaks to exercise their leadership and responsibilities under the National Agreement.</p>
15.	Consideration should be given to providing Peak bodies with additional resources so they can effectively support their community-controlled membership to fully participate in the arrangements.	<p>Agreed in principle</p> <p>The National Agreement commits all Parties to strengthen the community-controlled sector.</p> <p>Some jurisdictions are considering bilateral funding requests from the Coalition of Peaks.</p>
16.	Consideration should be given to properly resourcing State and Territory Peak bodies to undertake their responsibilities and support their members.	<p>Agreed in principle</p> <p>See responses to recommendations 13 to 15.</p>
<i>Reviewing the Partnership Agreement and future annual Health Checks</i>		

17.	That the Parties agree that the Partnership Agreement be reviewed to ensure its alignment with the National Agreement.	<p>Agreed.</p> <p>The Parties recognise the importance of alignment between the Partnership Agreement and the National Agreement on Closing the Gap. An adjustment to the Partnership Agreement will be required to reflect the changed arrangements from the Council of Australian Governments (COAG) to the National Federation Reform Council that have occurred since the Partnership Agreement was signed.</p> <p>The Partnership Agreement is required to be formally reviewed in year three of the Agreement, and this (and other minor revisions) will be rectified at that point – this will occur in 2022.</p> <p>The Terms of Reference of the governance mechanisms for the partnership also afford an avenue for addressing developments that have arisen with the completion of the National Agreement.</p> <p>It is acknowledged that some limited circumstances have arisen where Parties have not had a forum to ensure that full shared decision-making could occur. This was discussed in the PWG facilitated workshop and avenues were identified for addressing these instances.</p>
18.	That the Parties consider the design and approach and the Success Indicators and survey questionnaires used for this Health Check as the benchmarks for all subsequent annual Partnership Agreement Health Checks so that progress can be monitored in a consistent way against a baseline.	<p>Agreed in principle.</p> <p>Parties agree to developing Partnership Success Indicators that can be used to underpin future Partnership Health Checks, to demonstrate how the partnership has evolved over time. The PWG will dedicate time to agreeing the Success Indicators ahead of the next Partnership Health Check.</p> <p>Parties also agreed that the future Partnership Health Checks will be made public so that progress against the success indicators can be easily tracked by Aboriginal and Torres Strait Islander organisations and communities.</p> <p>This does not preclude reviewing and evolving the Success Indicators as the partnership matures as needed.</p>
<i>Sharing good practice</i>		
19.	That examples of good practice which have been endorsed by Aboriginal and	Agreed in principle.

	<p>Torres Strait Islander partners in the jurisdictions be shared by way of a Good Practice Portal or similar accessible to all Parties. This can be especially useful for governments building their own capacity to partner with Aboriginal and Torres Strait Islander people.</p>	<p>Parties have committed to voluntarily share examples of good practice through PWG. At this stage, rather than establish a good practice portal, Parties have agreed to share examples of good practice and policy and program successes at PWG meetings in relation to the implementation of the National Agreement. The PWG may then agree to make these good practice examples public.</p> <p>Jurisdictional partnerships may also agree to make public their terms of reference to help inform how other Aboriginal and Torres Strait Islander organisations and communities may approach partnerships with governments. The Coalition of Peaks will make these available on their website to ensure that they can be easily accessed by Aboriginal and Torres Strait Islander people across the country.</p> <p>For example, NSW has committed to an additional Priority Reform – Employment, Business Growth and Economic Prosperity.</p>
<p><i>Publishing responses to Stage Two recommendations</i></p>		
<p>20.</p>	<p>Responses to the Stage Two recommendations be made public after the first Joint Council Meeting in 2021 once the PWG and Joint Council have had time to properly consider them.</p>	<p>Agreed.</p> <p>Responses to both the Stage One and Stage Two Recommendations are being made public following the April 2021 Joint Council meeting.</p>