

JOINT COUNCIL RESPONSE TO THE 2021 PARTNERSHIP HEALTH CHECK

Overview

It has been over 18 months since the new National Agreement on Closing the Gap (National Agreement) came into effect. Over that time, much has been achieved including the development of eleven separate Implementation Plans; finalisation of Sector Strengthening Plans for the Health and Early Childhood Care and Development community-controlled sectors; establishment of the Justice Policy Partnership, a new target on access to information and a revised family violence target; and a Joint Communications Strategy to support engagement with Aboriginal and Torres Strait Islander people to build awareness of the National Agreement and to assist them to talk to governments. We acknowledge that 2020 and 2021 have been particularly challenging years with the response to COVID-19 stretching the resilience and band-width of all Parties and these achievements are particularly significant in that context.

Much remains to be done. In 2022, Joint Council's focus will be on the four priority reforms including jurisdictional expenditure reviews; progress on development of funding prioritisation policies to ensure that a meaningful proportion of new funding initiatives are allocated to Aboriginal and Torres Strait Islander organisations; as well as a data development plan and establishment of the four remaining policy partnerships. These commitments go to the heart of many of the issues identified in the 2021 Partnership Health Check report.

In order to maintain momentum on the National Agreement's transformative agenda, it is important that the partnership principles on which it is built: shared, open and transparent consensus-based decision making; mutual accountability and responsibility; engagement of Aboriginal and Torres Strait Islander communities; and self-determination, are fostered and enhanced. The purpose of the annual Partnership Health Check is to assess the trajectory of change against the partnership success indicators, agreed by all Parties, which embody the partnership principles and responsibilities set out in the Partnership Agreement.

The second annual Partnership Health Check was conducted over August and September this year. All Parties welcome the Health Check report. We thank the contributors, representing Aboriginal and Torres Strait Islander community-controlled organisations and Australian governments, for their willingness to provide frank and robust feedback and we thank the authors, ABSTARR Consulting, for bringing together these views.

While the Partnership Health Check Report concluded that the trajectory of change is generally positive, it also highlighted that the biggest challenge to delivering on the National Agreement in 2021 has been that all Parties are finding the scale and pace of its ambition difficult to manage. Going forward, we commit to focusing on the quality and maturity of our engagement, taking into account the differences in resources and capacity that different Parties, including governments, bring to the table; building shared understandings of partnership; and improving the data and evidence base for decision-making. In all of these areas, actions are in train or soon to commence and we are confident these activities will also give rise to additional actions to strengthen the partnership.

Recommendation 1 – Understanding of the Partnership and applying its principles

	Recommendation	Response
1	<p>Notwithstanding the already established governance structures under the Partnership, the understanding of the term ‘partnership’ and the application of the partnership principles requires attention. (Partnership Agreement, Clause 14; National Agreement Clause 32). It is recommended that the PWG conduct a forum to:</p> <ol style="list-style-type: none"> a. Assess and clarify the Parties’ understanding and expectations of ‘partnership’, with a view to further address the inherent structural and systemic power imbalances between Government Parties and the Coalition of Peaks. b. Have frank discussions about the practical application of the Partnership principles, with a view to improve Partnership processes and create a more equal standing for Peaks. <p>Consideration should be given to:</p> <ol style="list-style-type: none"> i. Raising the functioning of the partnership from operational to strategic ii. Partnership structures and processes, in particular, information sharing iii. Plans created under the Partnership (eg Implementation Plans, place-based partnerships) iv. Frameworks for evaluation (ie. Who defines success, how data is collected, measured, analysed and reported). 	<p>Agreed in principle</p> <p>It is critical that all Parties share a common understanding of the partnership principles underpinning the National Agreement and how they translate into operational and strategic practice. It is an essential capability for all those directly involved in the governance and implementation of the National Agreement.</p> <p>The Joint Council response to subsequent recommendations address the issues of strengthening processes for information-sharing and engagement, meeting processes and evaluation and data collection.</p> <p>Actions:</p> <ul style="list-style-type: none"> • PWG will consider options to socialise the partnership principles and ensure continuity of this understanding as personnel turn over • PWG will consider options to develop shared understandings and expectations of ‘partnership’ including through a workshop • PWG will consider options in early 2022 to develop the partnership capabilities of all Parties

Recommendation 2 – Refining the approach to Partnership activities and timelines

Recommendation	Response
<p>2. To strengthen shared decision-making and the ability to reach properly consulted positions, it is recommended that the Parties plan an enhanced strategic approach to approval processes and to developing timelines for activities to be agreed and completed under the Partnership. This should include (but is not limited to):</p> <ol style="list-style-type: none"> a. Identifying and applying more flexible and innovative engagement and approval processes within Government (eg cabinet approval processes) b. Ensuring timeline planning is robust and gives due consideration the engagement obligations of all parties, for example: <ol style="list-style-type: none"> i. Aboriginal and Torres Strait Islander community engagement processes ii. Government socialisation and approval processes c. Ensuring relevant information is shared as early as possible (eg. early drafts of plans, or when a Party suspects it cannot meet deadlines) d. Establishing a process to agree on how to prioritise commitments (eg, under the National Agreement) when timelines are tight e. Forecasting and deciding how resources could be increased, collectively pooled or reprioritised to meet potential changes in commitments f. Forecasting and accounting for variables in the operational environment that may impact timelines (eg the COVID-19 emergency) 	<p>Agreed in principle</p> <p>We acknowledge that the timeframes committed to by all Parties in the National Agreement are ambitious and that there is a need to ensure that the processes for delivering them are realistic and appropriate and take into account the time needed to ensure consensus positions and the differences in resources and capacity that different Parties, including governments, bring to the table.</p> <p>A number of steps are being taken to improve processes to support shared decision-making. While governments need to maintain the confidentiality requirements of their decision-making processes, there are still ways to improve how we work within the bounds of these requirements.</p> <p>Actions</p> <ul style="list-style-type: none"> • All governments are committed to working with the Coalition of Peaks and other Indigenous stakeholders to review their mechanisms for engagement, including for the annual reports on Closing the Gap Implementation Plans. For example, the Joint Working Group which oversees the Commonwealth’s Closing the Gap Implementation Plan with the Coalition of Peaks is reviewing its terms of reference to strengthen how the government can work to meet its commitments to shared decision-making and formal partnership going forward. • Meetings to ensure the preparation of all the Parties are in place. For example, the Coalition of Peaks meets on a fortnightly basis and the number of jurisdictional senior officials’ preparation meetings has increased to ensure early visibility of papers coming forward for consideration. • The Joint Council has already agreed to revised timeframes for a number of deliverables through a robust process and will continue to

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	<p>consider necessary changes to ensure decisions are based on suitable timeframes for engagement.</p> <ul style="list-style-type: none"> The PWG will continue to monitor and review its processes with a view to continuous improvement and balancing the volume and pace of change with the quality and maturity of engagement

Recommendation 3 – Reviewing government resourcing strategies

Recommendation	Response
<p>3. There is a clear need for Government Parties to review how they allocate resources for Peaks to engage in the Partnership. It is acknowledged that under the National Agreement, Government Parties have already committed to reviewing how they support shared decision-making and levels of appropriate funding for Aboriginal and Torres Strait Islander Partners to engage in the Partnership (National Agreement Clause 32, 33, 36). It is recommended that these reviews:</p> <ol style="list-style-type: none"> Occur in close consultation with Aboriginal and Torres Strait Islander partners Examine existing Government funding allocation processes, particularly the utility of competitive funding with an openness to adopt innovative practices, such as block, pool funding, or higher order treasury funding processes Involve Peaks, supporting them to accurately estimate their resourcing requirements and ensure funding allocations are sufficient to support equitable participation in the Partnership Review the progress of commitments under Clauses 55 and 59(d) related to prioritisation and improving transparency of 	<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.</p> <p>Actions</p> <ul style="list-style-type: none"> The Commonwealth funds the Coalition of Peaks Secretariat to support Indigenous parties to engage in the partnership and has committed to renew the funding to the Coalition of Peaks for a further four years from April 2022. Subject to jurisdictional budget processes, the Commonwealth has also agreed in principle that it will fund establishment and governance costs for policy partnerships and jurisdictions have agreed in principle to fund those costs for place-based partnerships and community data-projects in their jurisdictions. The Commonwealth has also provided resources to support other partnership actions, such as development of the Sector Strengthening Plans.

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<p>resource allocation – particularly whether Aboriginal and Torres Strait Islander partners have clarity on the availability of funding (both mainstream funding and dedicated funding for Aboriginal programs or Closing the Gap)</p> <p>e. Investigate whether Government Parties actively work to inform and involve Aboriginal and Torres Strait Islander partners in funding allocation decisions with a view to increasing shared decision-making - particularly in cabinet resourcing and policy decisions.</p>	<ul style="list-style-type: none"> • Jurisdictions also negotiate funding requests with the Peaks bilaterally. Government parties will consider on an ongoing basis the adequacy of funding, in line with Priority Reform One of the National Agreement (shared decision-making). • Jurisdictional expenditure reviews to identify where funding can be reprioritised are due in July 2022. The outcomes of these reviews will inform future Implementation Plans and annual reports. (Clause 113). • Government Parties will also commence work in 2022 on implementing funding prioritisation policies and ensuring that a meaningful proportion of new funding initiatives are allocated to Aboriginal and Torres Strait Islander organisations (Clause 55). • The Coalition of Peaks have commissioned a report on the resourcing required to enable members to participate more fully in implementation of the Partnership and National Agreement and government Parties have been engaged as part of this project

Recommendation 4 – Strengthening whole-of-government approaches

Recommendation	Response
<p>4. To varying degrees, there is scope for Government Parties to improve acceptance, participation, collaboration and co-ordination regarding Closing the Gap measures within their jurisdictions. It is recommended that Government Parties, in consultation with respective jurisdictional Peaks, meet and devise strategies to improve Government consultation, socialisation and approval processes, including increasing:</p> <p>a. Cross-portfolio Ministerial and head-of-agency ownership and accountability for Closing the Gap priority reform</p>	<p>Agreed in principle</p> <p>Successful implementation of the National Agreement requires engagement between the Coalition of Peaks and their members with individual portfolios in each jurisdiction. It is therefore essential that strong understanding and ownership by all relevant agencies of commitments under the Agreement and the need for partnership and shared decision-making be built into devolved governance structures. This will become increasingly important over the life of the Agreement as implementation is mainstreamed into individual Peak</p>

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<p>targets and socio-economic targets (eg. through additional governance structures)</p> <p>b. Local government participation in jurisdictional governance arrangements</p>	<p>members and jurisdictional line agencies rather than centralised in Coalition of Peaks secretariat and Indigenous affairs portfolios.</p> <p>Actions</p> <ul style="list-style-type: none"> • Jurisdictional Implementation Plans published by all jurisdictions, the Coalition of Peaks and ALGA 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, the PWG and Joint Council. • We will continue to deepen and mature the quality of all our partnerships, at the jurisdictional level and at Joint Council, recognizing there may be jurisdictional differences in engagement due to size and capacity.

Recommendation 5 – Data sharing, data sovereignty, evaluation and accountability

Recommendation	Response
<p>5. Aboriginal and Torres Strait Islander produced data is an outcome of the National Agreement, with work underway to establish an evidence base and shared access to data and information (National Agreement Priority Reform Four). There are also Productivity Commission reviews and Aboriginal and Torres Strait Islander led reviews of Closing the Gap scheduled to occur every three years (Partnership Agreement, Clauses 28, 29, National Agreement Clauses 121-124). Therefore it is recommended that in developing and conducting these monitoring and evaluation exercises, the Parties ensure there is clarity and focus on:</p>	<p>Agreed in principle</p> <p>A number of actions are already underway which are based on good practice data collection and sharing, and are consistent with the Health Check report recommendations on data.</p> <p>Actions</p> <ul style="list-style-type: none"> • Joint Council considered at its December 2021 meeting the terms of reference for the Productivity Commission review with the first review to commence in mid-2022 and to report by late 2023. • Joint Council will agree the terms of reference for the Aboriginal and Torres Strait Islander-led review, due to commence within 12 months

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<ul style="list-style-type: none"> a. Aboriginal and Torres Strait Islander definitions of success and measurement frameworks b. Flexible timeframes and funding arrangements to enable them to occur c. Differing values, communication styles, and capacities d. Data sovereignty definition, implications, arrangements and accountabilities (these matters should reflect Aboriginal and Torres Strait Islander perspectives regarding appropriate ownership, measurement, collection, analysis and reporting of data) e. Support for positive strengths-based narrative to further develop what is working rather than further developing a deficit or 'capacity building' narrative 	<p>of completion of the Productivity Commission review (that is, by late 2024).</p> <ul style="list-style-type: none"> • Work is underway to establish community data projects in six locations. The Commonwealth Government is funding the Australian Institute of Health and Welfare to support these projects. This includes training and also establishing provision of web based infrastructure to enable communities to access and use their data. • The Productivity Commission has developed a data reporting dashboard which includes all available baseline data. From 2022, this data will be disaggregated by state and territory to show progress in more granular detail (CI. 89 and CI 116). • A Data Development Plan is being developed and due for release in July 2022. The Data Development Plan will inform how data development actions can be prioritised over the life of the National Agreement and provide clear timeframes and responsibilities for each data development action.

Recommendation 6 – Relationship building and communication styles

Recommendation	Response
<p>6. Government Ministers, advisors and leaders of Peaks must attend to the human aspect of relationship building in an effort to establish meaningful rapport, trust, transparency, and respectful negotiation and decision-making. This will mitigate risks of entrenched positions and scripted responses. It is recommended the Parties:</p> <ul style="list-style-type: none"> a. Continue to acknowledge in meetings that the Partnership is a new paradigm where Partners have equal standing, and 	<p>Agreed in principle</p> <p>While relationships are critical, the long-term success of the partnership relies on systemic and structural change transforming the ways that governments work with Aboriginal and Torres Strait Islander representatives and ensuring shared-decision making becomes business as usual. Systemic change will have far reaching impact beyond individual relationships. In the short term however, leaders from all Parties must lead by example and embody the ways of working we seek to make commonplace.</p>

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	<p>that the Partnership exists to reform traditional ways of working together</p> <p>b. Respectfully put forward positions and justify them with appropriate reasoning</p> <p>c. Foster a culture that allows Parties to have open and transparent discussions and to achieve resolution, in a respectful manner, where:</p> <p style="padding-left: 20px;">i. Shared decision-making is impeded or not occurring</p> <p style="padding-left: 20px;">ii. Systemic and structural racism, discrimination, unconscious bias and other barriers exist</p> <p>d. Ensure there are sufficient opportunities for informal meetings to occur between the Parties</p> <p>e. Initiate succession planning protocols where there is staff changeover (eg by having a crossover period where new staff attend meetings)</p>	<p>Note the Joint Council responses to previous recommendations are relevant here. This includes the commitment to building a shared understanding of partnership principles including in succession planning, and the commitments to shared-decision making outlined in Closing the Gap Jurisdictional Implementation Plans.</p> <p>Actions</p> <ul style="list-style-type: none"> • Governments will include in their annual reports information on how they are addressing the transformation elements outlined under Priority Reform Three of the National Agreement. • Terms of reference for all working groups established to implement the National Agreement, such as the Sector Strengthening Plan Working Groups, set out how parties will engage and implement partnership principles in their operations and decision-making.

Recommendation 7 – Processes to track and respond to grievances

Recommendation		Response
7.	<p>It is recommended the Partnership be strengthened by implementing enhanced processes to track where partnership principles are not being applied and to review grievances. This includes:</p> <p>a. If a Party believes that the Partnership principles and elements are not being applied in a particular instance, this should be reported to the Partnership Working Group with a tracking register established to monitor these instances - this register should be made available to future Partnership</p>	<p>Agreed in principle</p> <p>A number of mechanisms already exist which support the monitoring of risks and review of grievances. We encourage and support all Parties to use these mechanisms, including:</p> <ul style="list-style-type: none"> • Clause 36 of the Partnership Agreement which outlines the processes for dispute resolution. • Clauses 140-143 of the National Agreement which set out the processes for dispute resolution.

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<p>and National Agreement review mechanisms, including the Health Check, to strengthen the integrity of these reviews</p> <p>b. The Partnership Working Group should refer matters to an independent reviewer if they believe the matter is of significant concern, is not being addressed by Partnership processes or work in progress, or if it is contested by other Parties involved nor able to be resolved between them</p>	<ul style="list-style-type: none"> • The terms of reference for Joint Council, Partnership Working Group and Drafting Group which set out the process for consensus decision-making and review or escalation of issues. • The Partnership Health Check, which is an opportunity for all Parties to comment on how effectively the Partnership principles are being adhered to in practice. • The Partnership Risk Register which was developed as part of the 2021 Health Check. <p>Actions</p> <ul style="list-style-type: none"> • Risks will be monitored biannually by the PWG and escalated to Joint Council as required • All Parties will participate in the 2022 Partnership Health Check

Recommendation 8 – Strengthening Joint Council and Partnership Working Group meetings

Recommendation	Response
<p>8. There is a risk that meetings of the Joint Council on Closing the Gap (Joint Council) and Partnership Working Group meetings do not consistently use their time strategically. It is recommended that:</p> <p>a. The terms of reference be amended to clarify its agenda items focusing more on negotiation and decision-making regarding strategic priorities rather than reviewing and considering uncontentious agenda items (eg items that present and report on progress could be for noting only)</p> <p>b. An agenda screening process be instituted by the PWG's Drafting Group and the Joint Council's Secretariat, to</p>	<p>Agreed in principle</p> <p>PWG and Joint Council will continue to review and monitor meeting protocols at all levels within the Closing the Gap governance architecture with a view to improving their efficiency and effectiveness. In addition to actions set out previously, further relevant actions are detailed below.</p> <p>Actions</p> <ul style="list-style-type: none"> • Drafting Group's terms of reference set out that it is responsible for drafting agendas and preparing papers to enable the PWG and Joint Council to make well-informed decisions reflecting the views of all partners, including through membership from Commonwealth, Coalition of Peaks and two jurisdictions. This includes reviewing

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<p>identify matters that require strategic and proactive negotiation and decision-making</p>	<p>agendas to identify issues that need substantive discussion and those that can be discussed by exception.</p> <ul style="list-style-type: none"> Joint Council will institute a protocol for identifying agenda items that can be agreed by consent, in order to deal with uncontroversial items quickly and allow time for longer discussion and negotiation of more substantive and strategic items. Noting items will similarly be agreed without discussion unless a formal verbal update is requested. The Commonwealth already alerts jurisdictions to how agenda items will be dealt with as part of jurisdictional senior officials meetings and the Coalition of Peaks similarly caucus with their membership ahead of PWG and Joint Council meetings.

Recommendation 9 – Strengthening the Health Check process

Recommendation	Response
<p>9. It is recommended the Health Check Process be strengthened by:</p> <ol style="list-style-type: none"> Increased timeframes for targeted and robust engagement with all Parties, and a detailed analysis of each element of the Success Indicators Assessing and clarifying the Success Indicators with a view to measuring them with more accuracy 	<p>Agreed in principle</p> <p>PWG and Joint Council will continue to review and monitor the Health Check process with a view to continuous improvement. However, it is important there is some consistency in the success indicators in order to establish a baseline by which the trajectory of change can be assessed over the life of the Partnership.</p> <p>Actions</p> <ul style="list-style-type: none"> The first three yearly review of the Partnership Agreement falls due in 2022 and the terms of reference for this process will include the 2022 Health Check. The review will consider this recommendation in more detail as part of preparations for the next health check