



Partnership Agreement
on Closing the Gap

Partnership Health Check 2021

Prepared by ABSTARR Consulting Pty Ltd



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1 EXECUTIVE SUMMARY

The Partnership Agreement on Closing the Gap 2019-2029 (**Partnership Agreement**) was negotiated and agreed to by the Coalition of Peaks (the **Peaks**) and the Council of Australian Governments (**Government Parties**) in March 2019. The Partnership Agreement provides an historic opportunity for Aboriginal and Torres Strait Islander Peoples and governments to work together as true partners with equal participation and shared decision-making across all levels of government.

The Partnership Agreement Health Check (**Health Check**) is held annually to assess the health of the partnership (the **Partnership**) between the Coalition of Peaks and Government Parties, together the Partnership Parties (the **Parties**; singular the **Party**). The purpose of the Health Check is to consider the direction of movement of the Partnership against the agreed Success Indicators, which are broadly related to the principles of shared decision-making, equal participation and Aboriginal and Torres Strait Islander agency.

This report presents the evidence and findings of the Closing the Gap Partnership Health Check 2021. This year's Health Check was prepared by an independent reviewer, ABSTARR Consulting Pty Ltd (**independent reviewer**).

A three-phase methodology informed the assessment of the partnership, including data collection through multiple data collection tools, thematic analysis of key findings, and assessment of the key findings against the agreed Success Indicators.

This Health Check presents evidence gathered through the following data collection tools:

1. Survey – a voluntary survey was sent to all Partnership Parties to elicit views on the health of the Partnership against the 2021 Success Indicators; twelve responses to this survey were received
2. Partnership Workshop – attended by Project Working Group (**PWG**) members to test individual, group and collective views on the health of the Partnership; forty-nine PWG members attended this workshop
3. Interviews – voluntary semi-structured interviews were offered to Ministers in acknowledgment of their unique circumstances; two Ministers participated in interviews.

In summary, key findings include:

- Generally, positive sentiment from both the Coalition of Peaks and Government Parties that after two years the Partnership is progressing steadily - yet there are several opportunities for further strengthening key aspects of the Partnership, particularly at the jurisdictional level
- The Partnership has led to strengthened relationships and increased collaboration across all Parties, however there remain differences between the Parties' definitions and expectations of the term 'partnership' and what partnership entails – acknowledging and mitigating the power imbalance between the Partners requires constant attention, and will remain a barrier to the success and full realisation of the Partnership if not addressed
- The transition over the past year from negotiating the National Agreement, to implementing a new approach, through to jointly developing jurisdictional Implementation Plans is a significant milestone. The Implementation Plans contain significant commitments from the Parties
- Most participants acknowledged that the principle of shared decision-making is not always supported due to timing pressures created by ambitious objectives under the National Agreement

- It was also acknowledged that more work is required to improve and clarify the evidence base for decision-making, including whose values and definitions of success, and whose markers of success, are considered evidence – despite work being underway to do so, there is still a need to reach shared understanding on how to measure outcomes, analyse, report, and interpret evidence, in line with data sovereignty principles
- Workshop participants identified a willingness on behalf of Government Parties to engage with Peaks, however the Peaks do not have the same resources and capacity as governments, translating to an unequal ability to engage in the Partnership

Assessment against Success Indicators

The Success Indicators against which health of the Partnership was assessed were developed in 2020 with direct reference to the Partnership Agreement. They were updated by the Parties in 2021.

The independent reviewer developed a four-part scale to present an assessment of the health of the Partnership against the Success Indicators. The Success Indicators and the evidence informing the assessment is presented in the report (see Section 6: Assessment).

In summary:

- Success Indicator 1 was assessed as ‘Progressing, on track’
- Success Indicator 5 was assessed as ‘Progressing, with scope for improvement’
- Success Indicators 2, 3 and 7 were assessed as ‘Work in progress, attention and monitoring required’
- Success Indicators 4 and 6 were assessed as ‘Work in progress, requires reconsidering ways to best achieve this outcome’.

Generally, this assessment concludes that the Partnership is progressing steadily, however a number of opportunities for further strengthening key aspects of the Partnership were identified.

1.1 Recommendations

Based on the findings and the assessment against Success Indicators, this report makes nine recommendations to improve the overall health of the Partnership.

Recommendation 1 – Understanding of the Partnership and applying its principles

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:

- a. Assess and clarify the Parties’ understanding and expectations of ‘partnership’, with a view to further addressing 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 improving Partnership processes and creating a more equal standing for the Peaks. Consideration should be given to:
 - 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 is data collected, measured, analysed, and reported).



Recommendation 2 – Refining the approach to Partnership activities and timelines

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):

- 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 to the engagement obligations of all Parties, for example:
 - 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).

Recommendation 3 – Reviewing government resourcing strategies

There is a clear need for Government Parties to review how they allocate resources for the 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:

- a. Occur in close consultation with Aboriginal and Torres Strait Islander partners
- b. Examine existing government funding allocation processes, particularly the utility of competitive funding, with an openness to adopt innovative practices such as block, pool, or higher order treasury funding processes
- c. Involve Peaks, support them to accurately estimate their resourcing requirements and ensure funding allocations are sufficient to support equitable participation in the Partnership
- d. Review the progress of commitments under Clauses 55 and 59(d) related to prioritisation and improving transparency of 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)
- 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.



Recommendation 4 – Strengthening whole-of-government approaches

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:

- a. Cross-portfolio Ministerial and head-of-agency ownership and accountability for Closing the Gap priority reform targets and socio-economic targets (eg, through additional governance structures)
- b. Local government participation in jurisdictional governance arrangements.

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

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:

- a. Aboriginal and Torres Strait Islander definitions of success and measurement frameworks
- b. Flexible timeframes and funding arrangements to enable monitoring and evaluation 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 a positive strengths-based narrative to further develop what is working, rather than further developing a deficit or 'capacity building' narrative.

Recommendation 6 – Relationship building and communication styles

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:

- a. Continue to acknowledge in meetings that the Partnership is a new paradigm where Partners have equal standing, and that the Partnership exists to reform traditional ways of working together
- b. Respectfully put forward positions and justify them with appropriate reasoning
- c. Foster a culture that allows Parties to have open and transparent discussions and to achieve resolution, in a respectful manner, where:
 - i. Shared decision-making is impeded or not occurring
 - ii. Systemic and structural racism, discrimination, unconscious bias, and other barriers exist
- d. Ensure there are sufficient opportunities for informal meetings to occur between the Parties
- e. Initiate succession planning protocols where there is staff changeover (eg, by having a crossover period where new staff attend meetings).



Recommendation 7 – Processes to track and respond to grievances

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:

- a. If a Party believes 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 and National Agreement review mechanisms, including the Health Check, to strengthen the integrity of these reviews
- 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 and not able to be resolved between them.

Recommendation 8 – Strengthening Joint Council and Partnership Working Group meetings

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:

- 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)
- b. An agenda screening process be instituted by the PWG's Drafting Group and the Joint Council's Secretariat, to identify matters that require strategic and proactive negotiation and decision-making.

Recommendation 9 – Strengthening the Health Check process

It is recommended the Health Check process be strengthened by:

- a. Increased timeframes for targeted and robust engagement with all Parties, and a detailed analysis of each element of the Success Indicators
- b. Assessing and clarifying the Success Indicators with a view to measuring them with more accuracy.



2 BACKGROUND

The Partnership Agreement on Closing the Gap 2019-2029 (**Partnership Agreement**) was negotiated and agreed to by the Coalition of Peaks (the **Peaks**) and the Council of Australian Governments (**Government Parties**) in March 2019. The Partnership Agreement provides an historic opportunity for Aboriginal and Torres Strait Islander Peoples and governments to work together as true partners with equal participation and shared decision-making across all levels of government.

The Partnership Agreement Health Check (**Health Check**) is held annually to assess the health of the partnership (the **Partnership**) between the Coalition of Peaks and Government Parties (the **Parties**; singular the **Party**) – as elaborated in the Partnership Agreement entered into in March 2019. The purpose of the Health Check is to consider the direction of movement of the partnership against the agreed Success Indicators, which are broadly related to the principles of shared decision-making, equal participation and Aboriginal and Torres Strait Islander agency. The first Health Check was conducted in 2020 (this report uses terminology and concepts outlined in the 2020 Health Check report, and the chapter *Background and Terminology* is reproduced at Appendix 1).

ABSTARR Consulting Pty Ltd (**independent reviewer**) was contracted by NACCHO, on behalf of the Joint Council on Closing the Gap (**Joint Council**), to conduct the Closing the Gap Partnership Health Check 2021, conducted between August-September 2021. It highlights significant successes as well as challenges in relation to each of the Success Indicators and makes nine recommendations about improving the overall health of the Partnership.

Over the past year, the Parties have been working to develop and deliver each jurisdiction's Implementation Plans. These plans set out how policies and programs are aligned to the National Agreement and what actions will be taken to achieve the Priority Reforms and outcomes, including information on funding and timeframes for actions. The Implementation Plans represent a significant milestone and contain significant commitments from the Parties. Understandably, the responses to the 2021 Health Check tended to focus on the development of the Implementation Plans.

Further, there is significant work to be progressed in 2021/22, for example establishing the Justice Policy Partnership, Strengthening Sector Plans and the place-based partnerships. It is timely to reflect on the previous twelve months' work to identify ways to improve the Partnership for this upcoming work.

Finally, since early 2020 the Partnership's work has occurred in the context of a global pandemic which has seen many organisations, governments, and societies around the globe radically transform how they live, work, function, and engage with each other.

In this context, meaningful partnership is even more critical.



3 METHODOLOGY

A three-phase methodology informed the assessment of the partnership, including data collection through multiple channels, thematic analysis of key findings, and assessment of the key findings against the agreed Success Indicators.

Data collection

Data collection was completed using five tools:

1. *Baseline Data* – The 2020 Health Check report's recommendations and the Joint Council's response both provided a baseline from which to consider the Partnership over the last twelve months
2. *Survey* of all participants (n=12) – The voluntary structured online survey was sent to:
 - Partnership Working Group (**PWG**) members (nominated senior officials from each jurisdiction, and the Coalition of Peaks)
 - Joint Council members (relevant Ministers nominated by each jurisdiction; a representative from the Australian Local Government Association; members from the Coalition of Peaks)

A copy of the survey instructions, questions and quantitative survey results are provided in Appendix 2a - open text responses have not been provided as many include identifying information

3. *Workshop* of Partnership Working Group members (n=49) – The facilitated workshop with PWG members, held virtually on 7 September 2021, provided a forum to discuss the current state of the Partnership and what could be improved; a full list of attendees and the Partnership Party they represented is at Appendix 2b
4. *Pulse check* taken within the workshop (n=32) – The pulse check exercise was undertaken at the beginning of the workshop. Attendees were asked to rate the Partnership principles of equal participation, shared decision-making, and increasing Aboriginal and Torres Strait Islander agency on a five-point Likert scale (from lesser extent to greater extent)
5. *Interviews* with Ministers who requested it (n=2) – Voluntary semi-structured interviews were offered to Ministers – a copy of the interview guide is at Appendix 2c.

Through this process, data was collected using a combination of clustered and convenience sampling. The limitations of these methods are acknowledged below.

Thematic analysis and key findings

The evidence from the baseline data, survey, workshop, pulse check, and semi-structured interviews has been thematically analysed and summarised into key findings detailed in this report (see Section 5: Key Findings).

Assessment against Success Indicators

Key findings derived from the data collection were then critically assessed against the Success Indicators, with each indicator given a progress rating.

The Success Indicators against which health of the Partnership was assessed were developed in 2020 with direct reference to the Partnership Agreement. The agreed Success Indicators are broadly related to the principles of shared decision-making, equal participation and Aboriginal and Torres Strait Islander agency. The indicators were updated by the Parties in preparation for the 2021 Partnership Health Check.



1.2 Limitations

There are limitations regarding this methodology, including:

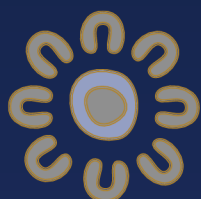
- All Parties were invited to participate, constituting comprehensive sampling. However, there was a low response rate to the survey and Ministers' interviews. This may be attributed to the voluntary nature of engaging with the Health Check, and the short availability period for Parties to participate
- Several of the Success Indicators have sub-indicators within them. This made it difficult to discern whether respondents were responding to the indicators overall, particular sub-indicators, or both.

Despite the limitations, responses across all data sources were congruent and corroborative, and provided a solid foundation for the analysis and conclusions drawn.

DATA SNAPSHOT

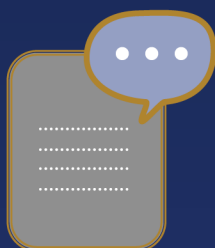
49

Workshop
Participants



12

Survey
Participants



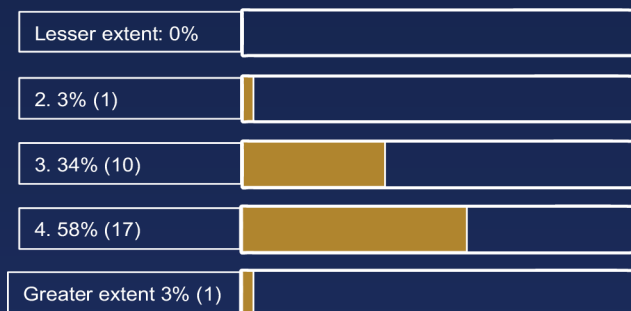
2

Interviews

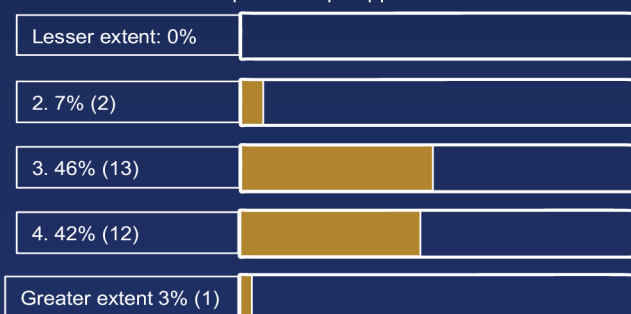


Pulse Check data

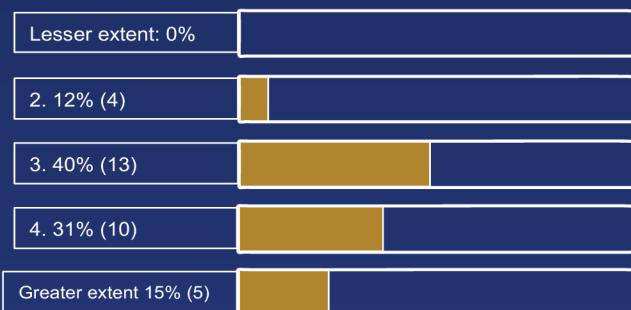
To what extent does the partnership support equal participation?



To what extent does the partnership support shared decision-making?



To what extent does the partnership provide greater agency to Aboriginal and Torres Strait Islander Peoples in government processes?



Survey response and workshop attendance

By organisation type: Coalition of Peaks (COP) members Government agencies (Gov).

See Appendix 2b for full list of participating organisations.

NT
Survey: 1 COP
Workshop: 1 COP
1 Minister's Interview

WA
Survey: 1 Gov & 1 COP
Workshop: 1 Gov & 1 COP

SA
Survey: 1 COP
Workshop: 1 Gov & 1 COP

TAS
Survey: 1 Gov
Workshop: 1 Gov

QLD
Survey: 1 Gov
Workshop: 1 Gov

NSW
Workshop: 1 Gov & 1 COP
1 Minister's Interview

VIC
Survey: 1 COP
Workshop: 1 Gov & 1 COP

NATIONAL
Survey: 3 Gov & 1 COP
Workshop: 3 Gov & 7 COP





5 KEY FINDINGS

This section summarises the findings derived from thematic analysis, highlighting the strengths of the Partnership and opportunities for further improvement.

1.3 General observations

All data sources showed positive sentiment from a majority of both the Coalition of Peaks and Government Parties that, after two years, the Partnership is progressing, yet with significant opportunities for strengthening. Importantly, opportunities for strengthening are especially apparent at the jurisdictional level.

There was some disagreement about the rate of progress of the Success Indicators. This may be attributable to the various ways Parties manage relationships in their respective jurisdictions.

Survey results showed some disagreement between Government Parties and the Peaks, regarding the progress of Success Indicators. While there was a trend toward agreement for Government Parties, there was a disparity of opinion between the Peaks, with approximately half trending toward agreement and half trending toward disagreement. Overall the survey indicated an improvement in progress since the 2020 Health Check.

The pulse check exercise, conducted in the workshop, highlighted that the Partnership generally supports equal participation. In comparison, the principles of shared decision-making and increased Aboriginal and Torres Strait Islander agency were supported to some degree, with opportunity for improvement.

Analysis across all data sources highlighted broad agreement that the following factors demonstrate maturation of the Partnership:

- A solid operating base to set agendas and have quality discussions between the Parties
- Established relationships between Peaks and Government department heads, beyond Indigenous affairs portfolios, leading to a positive change in Government Party behaviours – including better understanding of the Partnership
- The Partnership is well structured, and the Coalition of Peaks generally feel well informed
- Significant increases in demonstrated commitment by all Parties.

“The practice of doing partnership under the National Agreement is taking shape. The standards of joint chairing, joint agenda setting, respectful debate and a commitment to actions is spread across levels of governance.” – Government Party Survey Participant

1.4 Partnership governance

While there is general agreement that the structures and processes in place are supporting a more productive Partnership, the Parties acknowledged that the Partnership is still maturing and offered suggestions that could improve governance processes, including:

- Meetings could be reformatted to focus on negotiations and decision-making rather than the consideration of proposals or presentation of reports, while still acknowledging that Joint Council architecture and targets are sufficient. The terms of reference currently state that agenda items should support “strategic priorities” of the Joint Council or “urgent matters” –



governance for the Joint Council may be bolstered by clarifying the parameters of these strategic priorities

- Chief Ministers and Premiers could brief their fellow Ministers, ensuring that they fully grasp and support the notion of working in partnership with Aboriginal and Torres Strait Islander partners
- Encouragement of more robust discussions at the jurisdictional level - one participant felt that their jurisdictional governance meetings were far too polite, with Aboriginal organisations primarily engaging through scripted responses
- The data and evidence base for decision-making could be improved (eg, improving monitoring and evaluation mechanisms for Aboriginal related government spending in jurisdictions).

1.5 Relationships, collaboration and co-ordination

“The Parties are on the right path to a more trusting Partnership.” – Coalition of Peaks Workshop Participant

Participants expressed that the Partnership has led to strengthened relationships and increased collaboration across all Parties. For example:

- Coalition of Peaks members recognised that the Partnership has increased their knowledge of, and exposure to, systems and layers of government, allowing for a greater ability to influence decision-making and set agendas
- There has been increased collaboration across jurisdictions and a more collegiate working relationship across Parties
- In general, the expertise of Coalition of Peaks members has been respected by Government Parties and has shaped partnership decisions
- Understanding how the relationship between governments and Aboriginal and Torres Strait organisations works in the various jurisdictions has generated important insights for all Parties
- The Peaks and Government Parties have demonstrated collaborative problem-solving approaches, including escalating decisions or deferring them for further work when consensus could not be achieved
- Coalition of Peaks members also noted an increase in collegiality and unity between the Peaks, compared to when the Partnership commenced two years ago. The Peaks have learnt a lot about each other, across sectors and jurisdictions - this has led to increased information sharing (eg, regarding approaches to working with governments)
- For Government Parties, exposure to the work of other jurisdictions has provided motivation to emulate better practice.

“The sharing of ideas and models between jurisdictions has been enormously useful.” – Government Party Survey Participant



Promising practice: The NSW Government was identified by the Coalition of Peaks as being committed to open and collaborative processes, ensuring the Peaks are properly informed and engaged. For example, the NSW Government allocated resources and work to the Peaks for policy and engagement with community organisations. Notably, this allocation did bring with it new challenges such as increased workloads and pressure on resources. The Peaks also reported that policy work was impeded by insufficient information sharing and a lack of cross-departmental buy-in.

A barrier for ongoing relationship development, identified by the Peaks, was a perceived lack of clear staff succession planning for key government officials. Generally, the Peaks have shouldered the responsibility of building relationships with incoming government staff and providing education regarding the Partnership approach. Nevertheless, it was noted that all Parties have turnover of staff. Suggested solutions included consistency in onboarding processes and introducing new staff to partners early.

1.6 Moving from negotiation to implementation

In the context of a growing awareness that the success of new policy approaches is dependent upon their implementation, the transition over the past year from Partnership negotiation (ie, the National Agreement) to the implementation of a new approach through jurisdictional Implementation Plans is significant.

“The Partnership has successfully pivoted from a negotiation phase to joint implementation. The practice of how to work in partnership under Closing the Gap is becoming clearer and Parties are building trust through regular and open engagement with each other.” – Government Party Survey Participant

The Implementation Plans represent a key partnership milestone and contain significant commitments from the Parties. Overall, the Partnership Parties saw both the timely completion of the plans, and the positive experience of developing them, as signs of progress of the Partnership. For example:

- This level of partnership, with Aboriginal and Torres Strait Islander representatives and across all levels of government, has never been implemented before
- The process has meant greater engagement of Aboriginal and Torres Strait Islander partners in designing Closing the Gap measures
- The expertise of the Peaks has generally been respected, helping shape a number of measures in the Plans.

There was general agreement that while participants felt the Partnership structures are well designed and embedded at the national level, the next phase of work presents a significant opportunity to fundamentally influence the ways of working together at the jurisdictional level. Observations regarding the functioning of jurisdictional level partnerships were raised. For example:

- A desire to see more consistency in the way Government Parties approach the Partnership in their respective jurisdictions – acknowledging that the Peaks vary in ability to engage, whether by contributing time and resources or policy capability
- Questions regarding whether there were adequate review mechanisms in place regarding the Implementation Plans
- Sentiment from some participants that local government representation in jurisdictional governance arrangements should be increased.



“The past twelve months’ work represents a significant refresh on the roles and responsibilities of all governments, at the senior departmental levels, to provide strategic leadership to achieve the National Agreement Priorities. It appears, however, that there is significant work to be done to enable all government agencies and departments in each jurisdiction to share these responsibilities.” – Government Party Workshop Participant

“There is a major shift in how things are working, and the ability to design approaches together, and see many commitments come to life is a huge win for the Partnership.” – Coalition of Peaks Survey Participant

Despite the extensive work undertaken to develop the Implementation Plans, some Coalition of Peaks members experienced challenges, stating that they had little involvement or input into the Plans, and that they were primarily driven by Government Parties.

There was significant discussion regarding the issue of inadequate housing, particularly the increased housing pressures due to the impact of the COVID-19 pandemic. The Coalition of Peaks expressed the desire to see increased focus on housing in Closing the Gap measures, which was not a prominent feature of Implementation Plans. Opportunity exists for the Partnership to act on the Peaks’ enhanced understandings of the needs their communities, and embed systems to translate this knowledge into meaningful action that is responsive to emerging trends, changing circumstances, and policy objectives, as they arise.

Actioning the Implementation Plans, as the next stage of work, is an important step in demonstrating that the Partnership is developing beyond engagement processes and that the Partnership is working to create tangible change in the living conditions of Aboriginal and Torres Strait Islander Peoples.

1.7 Partnership and power

“Equal participation may come with time and effort; however, significant cultural barriers remain within all Parties.” – Government Party Survey Participant

The Partnership Agreement has presented the pivotal opportunity to flip the traditional paradigm of engagement with Aboriginal and Torres Strait Islander communities from ‘doing to’, to one of partnership, where communities exercise their fundamental rights (as articulated in the *United Nations Declaration on the Rights of Indigenous Peoples*) to have a fair and genuine opportunity to influence the matters that affect them.

While conducting the Health Check it was highlighted that conceptual differences remain between Parties’ definitions and expectations of the term ‘partnership’, and what partnership entails. Acknowledging and mitigating against the power imbalance between the partners requires constant attention and will remain a barrier to the success and full realisation of the Partnership if it is not addressed.

The status of the Peaks as equal partners is fundamental to their ability to engage with governments. The actual or implied status of governments as the ultimate arbiters of matters such as funding relationships, submission processes, data gathering and analysis, decision-making, and communication styles creates power imbalances that must be questioned and clarified.

The 2020 Health Check acknowledged that tensions between the partners will be ever present, as the needs of Aboriginal and Torres Strait Islander communities are so great but governments are not always willing or able to meet their demands (eg, due to feasibility issues or competing priorities).



The 2020 Health check defined “working in partnership” to mean “the relationship is defined by a formal agreement encompassing who the partners are, what they have agreed to do (desired outcomes) and how they will work together” and speaks to the concept of inherent structural power imbalance between the Parties.

However, as the working relationship has matured and developed, accordingly, the shared definition and understanding of these concepts must also evolve. While shared decision-making is broadly being facilitated under the Partnership, Coalition of Peaks members expressed views that:

- Relationships with governments in their jurisdictions felt transactional and primarily focused on service delivery, rather than embodying self-determination and partnering on shared objectives
- Their involvement was treated by governments more as advisory, akin to stakeholders, rather than as shared decision makers in a partnership
- There were occasions where Government Parties established advisory bodies on key topics related to Closing the Gap, and failed to engage with the Peaks before doing so, resulting in advisers being selected solely by governments
- There were challenges in achieving consensus decision-making in a Partnership that has inherent power imbalances
- There is a risk of misconceiving that everything relating to Aboriginal and Torres Strait Islander affairs falls within Closing the Gap measures (note: it is acknowledged that the National Agreement Priority Reforms are broader than Closing the Gap policy areas, and apply to a new way of governments doing business)
- There were instances of a lack of or delayed information sharing that impeded the ability for the Peaks to contribute to decisions in a meaningful way.

Overall, the Partnership is building trust and faith between the Parties, and the last twelve months has demonstrated this. There is still opportunity, as relationships develop, for governance structures to enable genuine and trusting partnerships to form and to evolve to meet expectations outlined in the National Agreement (ie, Priority Reform One). This will lead to improve shared decision-making and more accountable collaborative, properly resourced, representative, and localised partnerships.

“There are challenges in the extent to which decision-making can be shared in relation to cabinet rules and funding decisions. Early engagement with Peaks can address some of these issues.” – Government Party Survey Participant

An important consideration is that the Partnership is not only between the Coalition of Peaks and Government Parties, but between the Government Parties themselves, and between the Peaks themselves (and ultimately with their communities). In particular, there was sentiment in some jurisdictions that local government representation in jurisdictional governance arrangements was noticeably absent. A limited conception of the Partnership, as merely between the Peaks and Government Parties, risks undermining the Partnership’s objectives and diminishes the responsibility for all Parties to work in genuine partnership.

“Our lofty aspirations must be matched by ambitious commitment to change...entrenched government processes and business as usual should all be questioned. How can we share decision-making and have a more participatory/citizen-focused form of governance in this country to ensure the best outcomes for Aboriginal and Torres Strait Islander people?” – Coalition of Peaks Survey Participant



1.8 Timing and capacity for shared and evidence-based decision-making

While there was broad agreement that the Partnership facilitates shared and local community led decision-making, most participants acknowledged that this principle is not always supported comprehensively due to timing pressures due to previously agreed deadlines and a desire from Parties to capitalise on and maintain momentum.

“We were pushing for ambition, pace and early scale. We are now living with the reality of that ambition.” – Government Party Workshop Participant

Several Peaks expressed they have not been allowed sufficient time to genuinely engage, as they would have in the past, with their respective communities over the past twelve months due to truncated timelines for community engagement. While this has been exacerbated by public health measures, COVID-19 is not the only driver.

“This new way of working and timeframes creates added burdens for many because we lose our cultural integrity at times.” – Coalition of Peaks Workshop Participant

Time pressures created different challenges for Government Parties, including expectations that government approvals could be achieved in short time frames. While in-principle agreements can be given at senior levels, achieving formal endorsements requires internal consultation, socialisation, and approval process. Examples included:

- Expectations that Ministers and senior officials are positioned to agree on draft proposals on behalf of their governments, without time to adequately socialise proposals and navigate approval processes
- Central agency staff being unable to appropriately consult on and seek authorisation for whole-of-government positions within short timeframes.

The approval process constraints experienced by Government Parties underscore a reoccurring theme that arose throughout the workshop and survey – that current government systems and processes must be reconsidered through the contemporary lens of working within the new paradigm of partnership and enhanced Aboriginal agency.

Promising practice:

The partnership between SAACCON and the SA Government, where cabinet processes move along swiftly, there is good information sharing, and the relevant Minister is accessible. An enabling feature has been that the relevant Minister is the state's Premier.

Participants highlighted key risks to shared decision-making over the next twelve months:

- Losing the momentum or appetite for risk and falling back into old models of relating
- Failing to prioritise work effectively, with burnout due to increased workloads
- Failing to conduct genuine community engagement.



Many Coalition of Peaks members suggested that over the next twelve months there should be greater lead times to enable shared decision-making (eg, sharing draft plans well ahead of their release) and longer timelines to engage. The National Agreement is ambitious, and it was emphasised that the Parties should not compromise on achieving its objectives. It was highlighted that the Parties require a fresh strategic focus on how to better work together. For example, Parties could collaborate as early as possible, clarify timeframes for engagement, consultation, and approvals across all Parties, and agree on prioritising commitments.

Discussion regarding time pressures also highlighted opportunities to strengthen (both empirical and lived experience) evidence-based decision-making:

- It was noted that short timeframes can mean that decisions are made on scant evidence - this also means Parties must be flexible to change in light of new evidence
- Coalition of Peaks members expressed their concern that in some instances, even when deep engagement has occurred, the outcomes were not always reflected in partnership decisions
- Some of the Peaks expressed that Government Parties can sometimes fail to appreciate the value of their subject matter and lived experience expertise. One participant suggested that if the Peaks hold specialised knowledge in particular sectors, there should be increased and targeted engagement with those Peaks, which may also extend to appropriate resourcing and payment for their role and knowledges.

1.9 Equitable resourcing

“Everything about how we worked before the agreement must be open to question, including bureaucratic processes. To change outcomes we have to change the system not just our programmatic responses.” – Coalition of Peaks Survey Participant

Participants identified a willingness on behalf of Government to engage with the Peaks, however that willingness is undermined by resourcing constraints within the community sector. The Peaks do not have the same resources as governments, translating to an unequal ability to engage in the Partnership. For example:

- Resourcing of the Peaks is channelled through existing funding and grant streams that restrict the use of resources for specified purposes, and which does not necessarily support the responsibilities of the Partnership – competitive funding processes confine the Peaks to being defined as service providers, rather than equal partners with appropriate allocations to fulfil the functions of the Partnership
- Delays in receiving resourcing has affected the ability for Peaks to meet Partnership targets
- Not all jurisdictions are adequately resourcing their Peaks to participate as partners
- Commitment by Government Parties is not always aligned with treasury and cabinet funding approvals
- Estimating resourcing needs is a challenge for the Peaks, given the uncertain nature of future workloads created through the Partnership.

Promising practice:

In the ACT, the Government has set aside a dedicated fund that community partners decide how to allocate.



Potential solutions highlighted in the workshop included:

- Government Parties to provide more transparency and clarity on the complete picture of available funds – this includes information on available mainstream grants and funding that has an integrated (rather than discrete) focus on Aboriginal outcomes, as well as what funding is being dedicated to Closing the Gap or is for general Indigenous affairs
- Review the existing funding strategies, and allocation decisions and processes, to create a sustainable partnership and effective service delivery.

6 ASSESSMENT

The following table lists each of the Success Indicators and a summary of the independent reviewer's assessment of the Partnership against each indicator.

The progress of each of the Success Indicators has been rated accordingly:

-  > Progressing, on track
-  > Progressing, with scope for improvement
-  > Work in progress, attention and monitoring of this work is required
-  > Work in progress, requires reconsidering ways to best achieve this outcome

Success Indicator	Assessment	Progress rating
1. The Partnership Agreement is fulfilling its purpose of facilitating shared decision-making, ownership and responsibility for Closing the Gap. The role of the Coalition of Peaks as a network whose members are in direct contact with local communities and through which communities can engage with governments is acknowledged.	Two years from its commencement, the Partnership Agreement is beginning to realise its purpose of facilitating shared decision-making, ownership and responsibility for Closing the Gap, although it is still evolving. Factors supporting this are the: - Innovative structure of the Partnership, having governments at the highest levels engage directly with the Peaks - Maturation of the Partnership, which has seen the implementation of strong governance processes at the national level, and demonstrated commitment from the Parties. - Operational achievement in developing jurisdictional Implementation Plans. The Parties also believe the Coalition of Peaks is being acknowledged in its role as a network through which communities can engage with governments.	
2. All governance structures, at all levels, established under the Partnership Agreement and National Agreement are working to give effect to the principles of equal participation, shared decision-making and Aboriginal and Torres Strait Islander self-determination.	While there was broad agreement that governance structures at the national level are working well to support the principles of equal participation and shared decision-making, there appears to be scope to improve governance structures at the jurisdictional level. In particular, collaboration between Government Parties both within and across jurisdictions (including local governments) requires attention. Acknowledging the significant workload created under the Partnership, there is a strongly stated need for improvements in the <i>practical application</i> of the Partnership principles. For example: - While there is broad agreement amongst the Parties that the Partnership is facilitating shared and local decision-making, it was widely acknowledged that surmounting workloads, timing and resourcing pressures are impeding equal participation and shared decision-making - It was identified there is a need to increase Ministerial and Departmental buy-in to the work occurring under the National Partnership within jurisdictions. The Health Check exercise revealed that the principle of self-determination is not being applied consistently by Government Parties. For example, some of the Peaks were concerned about a lack of	

Success Indicator		Assessment	Progress rating
		involvement in the Implementation Plans. Further, the right for Aboriginal and Torres Strait Islander Peoples to determine their own affairs somewhat contradicts the principle of shared decision-making, as decision-making responsibility does not currently lie solely with the Peaks. While the principle of self-determination (a worthy and justified objective) may be supported by the Partnership, it is questionable whether there is a clear agreement of what the principle of self-determination means in its application. There is also a question as to whether self-determination can be fully realised under the terms of this Partnership.	
3.	The Partnership supports equal participation of the Parties including through: - Working arrangements to address the power imbalance in the relationship between the Partnership Parties are in place and effective. For example, the views of the Coalition of Peaks are heard, understood, and responded to in all forums established under the Partnership Agreement. - Barriers to equal participation (systemic and structural racism, discrimination and unconscious bias) are being identified and addressed. - All levels of government are providing adequate funding for the Coalition of Peaks to undertake its responsibilities effectively.	The Partnership is on track to support equal participation of the Parties, as evidenced by: - Strengthened relationships, and increased collaboration across Parties, joint chairing, joint agenda setting, respectful debate, and commitment to actions in most forums established under the Partnership - The expertise of the Peaks is generally being respected, indicating that the views of the Peaks are being heard – however, recognising this expertise should be accompanied by appropriate resourcing; nurturing and valuing expertise held by the Peaks will form strong and effective partnerships. Nevertheless, the working arrangements to address the power imbalance in the relationship between Parties still requires attention. The Parties appeared to raise fundamental differences in the definition of the Partnership, and there are concerns that Government Parties may still treat the Peaks in an advisory and/or service provider capacity. Further, it became apparent that there were differing levels of buy-in across government jurisdictions. A shared understanding of the Partnership is required to clarify the Parties' expectations. In regard to Indicator 3(c), the resources needed for the Peaks to engage on an equal footing with governments also requires attention. Not all jurisdictions are adequately resourcing their Peaks to participate as partners. Barriers to equal participation will remain if the Peaks must continue to utilise service-provision infrastructure to access funds to participate in the Partnership.	
4.	The Partnership supports shared decision-making including through: - Open, informed and transparent negotiation and shared decision-making, including sufficient time and processes for developing appropriately consulted positions, are consistently observed when Parties are making decisions. - Parties can freely express ideas without prejudice, and can speak frankly without fear of reprisals.	In general, shared decision-making is being supported through the Partnership, however there are challenges in fully achieving this given the inherent power imbalances between the Parties. There is significant scope for improvement on this indicator, for example: - Open, informed, and transparent negotiation and shared decision-making is being impeded by significant workload and timeline pressures created by ambitious National Agreement objectives – there is risk of burnout, a loss of traction and willingness within governments, and an inability to achieve genuine community engagement for the Peaks - There is an increasing appetite for freely expressing ideas and speaking frankly, but some Parties believe this needs to be further fostered	

Success Indicator		Assessment	Progress rating
	c. Decisions under the Partnership are made by consensus. d. There are clear processes to resolve differences of views and to escalate decision-making.	• Consensus decision-making is not always being achieved, and can be impeded by government processes, particularly those with inflexible cabinet approval processes. It appears that decision-making at the jurisdictional level requires reconsideration. For example, despite the strong architecture of the Partnership, to have resourcing and policy matters relegated to cabinet for ultimate decision-making excludes non-government parties by its very nature. The Parties should look to identify and apply innovative solutions to this issue. Further, reconsidering the approach to timeframes is necessary to enable proper decision-making to occur. In regard to Indicator 4(d), implementing processes since the last Health Check for escalating decision-making and resolving differences indicates improvement in shared decision-making. However, the Partnership could benefit from clearer processes. For example, tracking when Parties raise that Partnership principles are not being applied and responses to significant grievances.	
5.	Aboriginal and Torres Strait Islander people have greater agency in government processes: a. All Parties have arrangements in place or proposed to strengthen the agency of Aboriginal and Torres Strait Islander people in the implementation of Closing the Gap commitments. b. Government Parties are building their own capacity to engage Aboriginal and Torres Strait Islander people, particularly at the regional and local levels. c. Existing and emerging approaches to shared decision-making and self-determination and local priority-setting and service delivery are being provided for and encouraged by all Partnership Parties.	The Partnership is on track in increasing Aboriginal and Torres Strait Islander agency, and a number of factors support this: • Improved relationships, collaboration, and co-ordination between the Parties – this indicates that governance structures are promoting increased shared decision-making and greater agency for Aboriginal and Torres Strait Islander Peoples in Government processes • The Peaks are becoming better equipped to collaborate, share knowledge, set agendas, and advocate for the interests of their communities in a more unified manner • Governments are gaining important insights into what it takes to work in partnership, and are motivated to emulate better practice between jurisdictions, showing that emerging approaches to shared decision-making, self-determination, local priority setting, and service delivery are being encouraged However, there is scope for improved agency. Some governments could improve engagement with their jurisdictional Peaks and other Aboriginal and Torres Strait Islander groups. For example, by ensuring there is early engagement and proper information sharing; and creating more trusted, solutions-focused, and robust shared decision-making. Governments should also take care in ensuring the Peaks or other community sector partners are properly represented in governance arrangements.	
6.	Decisions are based on evidence (empirical and lived experience).	The Parties recognise the need to utilise the breadth of content knowledge and an evidence base of empirical data, as well as qualitative lived experience. Nevertheless, there was sentiment that more work is required to improve the data and evidence base for decision-making: • Time pressures can result in decisions being made on scant evidence – parties must be flexible to change in light of new evidence • The Peaks expressed concern that in some instances, when deep community engagement has occurred, outcomes are not always reflected in partnership decisions	



Success Indicator		Assessment	Progress rating
		- Government Parties may need to improve their appreciation of subject matter and lived experience expertise of the Peaks. For example, targeted engagement with the Peaks that specialise in their field to create stronger 'policy partnerships' (as described in the National Agreement). It is acknowledged that there is work occurring to improve the data and evidence base, for example: - The Data Reporting Working Group is working through a large data development body of work - Parameters for data sharing and transparency are being negotiated through the Partnership Working Group - There are community data projects being established under priority reform four in the National Agreement. Despite this work being underway, it appears there is still a need to reach shared understanding on how to measure outcomes, and analyse, report, and rely on evidence. As this work is not completed and decisions are being made in the meantime, the approach to evidence based decision-making requires reconsideration, in terms of: - Improving the quality and strength of data - Ownership, interpretation, analysis and reporting of data (with regard to applying data sovereignty principles).	
7.	Data and information collections are transparent and available for sharing between the Partnership Parties, subject to privacy concerns and data sovereignty.	There were various concerns raised by the Peaks about the need for governments to improve data and information sharing with jurisdictional Peaks. These concerns were not always shared by Government Parties. In fact, there were instances of good information sharing, however more instances where the Peaks believed information had not been shared, in particular regarding Implementation Plans. Data sharing is also being impeded given that evidence bases are still being developed, as mentioned in the assessment of Indicator 6. As per the concerns raised by the Peaks, this Indicator requires close monitoring to ensure the relevant actions progress, and that data and information sharing processes are continually improved.	



7 RECOMMENDATIONS

Based on the findings and the assessment against Success Indicators, this report makes nine recommendations about improving the overall health of the Partnership.

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Recommendation 1 – Understanding of the Partnership and applying its principles

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:

- a. Assess and clarify the Parties’ understanding and expectations of ‘partnership’, with a view to further addressing 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 improving Partnership processes and creating a more equal standing for the Peaks. Consideration should be given to:
 - 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 is data collected, measured, analysed, and reported).

Recommendation 2 – Refining the approach to Partnership activities and timelines

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):

- 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 to the engagement obligations of all Parties, for example:
 - 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).



Recommendation 3 – Reviewing government resourcing strategies

There is a clear need for Government Parties to review how they allocate resources for the 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:

- a. Occur in close consultation with Aboriginal and Torres Strait Islander partners
- b. Examine existing government funding allocation processes, particularly the utility of competitive funding, with an openness to adopt innovative practices such as block, pool, or higher order treasury funding processes
- c. Involve Peaks, support them to accurately estimate their resourcing requirements and ensure funding allocations are sufficient to support equitable participation in the Partnership
- d. Review the progress of commitments under Clauses 55 and 59(d) related to prioritisation and improving transparency of 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)
- 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.

Recommendation 4 – Strengthening whole-of-government approaches

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:

- a. Cross-portfolio Ministerial and head-of-agency ownership and accountability for Closing the Gap priority reform targets and socio-economic targets (eg, through additional governance structures)
- b. Local government participation in jurisdictional governance arrangements.

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

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:

- a. Aboriginal and Torres Strait Islander definitions of success and measurement frameworks
- b. Flexible timeframes and funding arrangements to enable monitoring and evaluation 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 a positive strengths-based narrative to further develop what is working, rather than further developing a deficit or 'capacity building' narrative.



Recommendation 6 – Relationship building and communication styles

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:

- a. Continue to acknowledge in meetings that the Partnership is a new paradigm where Partners have equal standing, and that the Partnership exists to reform traditional ways of working together
- b. Respectfully put forward positions and justify them with appropriate reasoning
- c. Foster a culture that allows Parties to have open and transparent discussions and to achieve resolution, in a respectful manner, where:
 - i. Shared decision-making is impeded or not occurring
 - ii. Systemic and structural racism, discrimination, unconscious bias, and other barriers exist
- d. Ensure there are sufficient opportunities for informal meetings to occur between the Parties
- e. Initiate succession planning protocols where there is staff changeover (eg, by having a crossover period where new staff attend meetings).

Recommendation 7 – Processes to track and respond to grievances

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:

- a. If a Party believes 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 and National Agreement review mechanisms, including the Health Check, to strengthen the integrity of these reviews
- 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 and not able to be resolved between them.

Recommendation 8 – Strengthening Joint Council and Partnership Working Group meetings

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:

- 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)
- b. An agenda screening process be instituted by the PWG's Drafting Group and the Joint Council's Secretariat, to identify matters that require strategic and proactive negotiation and decision-making.

Recommendation 9 – Strengthening the Health Check process

It is recommended the Health Check process be strengthened by:

- a. Increased timeframes for targeted and robust engagement with all Parties, and a detailed analysis of each element of the Success Indicators
- b. Assessing and clarifying the Success Indicators with a view to measuring them with more accuracy.



8 CONCLUSION

In summary, for the Closing the Gap Partnership to be strengthened, continue to meet its goals, and to produce sustainable and quality outcomes for Aboriginal and Torres Strait Islander Peoples, there is a need to clarify the definition and expectations of 'partnership' and the subsequent terms and conditions under which the Partnership operates.

The Parties may be accustomed to historic approaches that are now being reshaped through the Partnership. If government processes, languages, timeframes, policies, funding mechanisms, and evaluation frameworks are considered the norm, these should be questioned and reformed to align with the values and knowledges of the Aboriginal and Torres Strait Islander partners.

The next twelve months of the Partnership Agreement presents a unique opportunity to move beyond service delivery and into a paradigm of equal partnership where the Parties:

- Redefine what is meant by 'partnership' and 'self-determination' in application
- Share values, clarify the terms of engagement, and respect each other's expertise and knowledge systems
- Develop joint accountabilities using jointly decided frameworks
- Determine shared monitoring, evaluation and accountability mechanisms, based on the principles of data sovereignty.

However, this can only be achieved if shared aspirations are matched by equal standing regarding resourcing and decision-making responsibility. These fundamental issues must be addressed to ensure the quality and sustainability of the Partnership at the national and jurisdictional levels.



9 APPENDICES

Appendix 1 – Background and terminology

The following background and terminology is an excerpt from the 2020 Health Check and was used to inform the drafting of this report:

This Partnership Agreement Health Check is conducted pursuant to Clause 33 and the Risk Register developed pursuant to Clause 34 of the Partnership Agreement. The Parties agreed that the Coalition of Peaks engage an independent Aboriginal and / or Torres Strait Islander consultant to conduct the Health Check on behalf of all Parties. The reviewer was engaged following a procurement process conducted by the Coalition of Peaks, and the reviewer's appointment was confirmed by the Partnership Working Group Secretariat. The costs of the independent review were met by a grant to the Coalition of Peaks from National Indigenous Australians Agency (NIAA).

It is important to understand the nature of the Partnership Agreement and the National Agreement that was negotiated as a consequence. To this end, the following paragraphs explain the concepts, acronyms and abbreviations used throughout the report.

*The Partnership Agreement refers to the Partnership Agreement on Closing the Gap 2019-2029 entered into between the Coalition of Aboriginal and Torres Strait Islander Peak Organisations (**Coalition of Peaks**) and the then Council of Australian Governments (**COAG**) on 22 March 2019.*

***COAG** was replaced by the **National Federation Reform Council** and **National Cabinet** in May 2020. For the purposes of the Partnership Agreement the **Government Parties** include the Commonwealth and all state and territory governments and the Australian Local Government Association (**ALGA**). In some instances, the terms '**governments**' and '**jurisdictions**' are used interchangeably to refer to some or all of the nine governments of the Commonwealth federation. They are the Commonwealth, New South Wales (**NSW**), Victoria (**VIC**), Queensland (**QLD**), Western Australia (**WA**), South Australia (**SA**), Tasmania (**TAS**), Australian Capital Territory (**ACT**) and the Northern Territory (**NT**). These abbreviations are used throughout this report.*

*The **Coalition of Peaks** comprises more than 50 community-controlled Aboriginal and Torres Strait Islander national, state and territory Peak bodies and certain independent statutory authorities which have responsibilities for policies, programs and services related to the self-determination and life outcomes of Aboriginal and Torres Strait Islander people. All have governing boards elected by Aboriginal and Torres Strait Islander communities and / or organisations which are accountable to their membership.*

*Aboriginal and Torres Strait Islander Community Controlled Peak bodies (**Peak bodies or Peaks**) are those organisations formed to advocate for and provide support to Aboriginal and Torres Strait Islander community-controlled organisations in the various sectors, e.g. health, legal services, family violence, child protection, Stolen Generations, land and media. They exist at both national and state / territory levels. Some national Peaks have state / territory affiliates, e.g. National Aboriginal Community Controlled Health Organisation (NACCHO), National Aboriginal and Torres Strait Islander Legal Services (NATSILS). Others do not, e.g. Australian Indigenous Doctors Association (AIDA).*

*In some states and the Northern Territory, Peaks have formed themselves into coalitions – NSW Coalition of Aboriginal Peak Organisations (**NSW CAPO**), VIC Aboriginal Executive Committee (**VIC AEC**), Aboriginal Peak Organisations of the Northern Territory (**APO NT**), South Australian Aboriginal Community Controlled Organisations Network (**SAACCON**) [and also the Queensland Aboriginal and Torres Strait Islander Coalition (**QATSIC**)] – to better represent the interests of their member organisations including in relations with state and territory governments. Most of these state / territory Peak coalitions include other significant Aboriginal and Torres Strait Islander organisations in their jurisdictions with an interest in Closing the Gap as members and have procedures to allow others to*



apply. Peaks in other states are likely to form themselves into coalitions in the coming months in order to support increased engagement and representation from Aboriginal and Torres Strait Islander community-controlled organisations in implementing the National Agreement. The Parties to the Partnership Agreement (referred to as the **Partnership Parties**) are the Coalition of Peaks and the Government Parties.

The National Agreement on Closing the Gap (**National Agreement**) was negotiated in accordance with the principles and structures elaborated in the Partnership Agreement. It came into effect on 27 July 2020, replacing COAG's National Indigenous Reform Agreement (NIRA) which commenced in 2008. The National Agreement extends the shared decision-making and partnership approach of the Partnership Agreement from between governments and the Coalition of Peaks to more partnership arrangements with other Aboriginal and Torres Strait Islander organisations and communities.

A critical innovation of the new National Agreement is the commitment to four Priority Reform Areas for Joint National Action (**Priority Reforms**):

Priority Reform One

Formal partnerships and shared decision-making – 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.

Priority Reform Two

Building the community-controlled sector – The Parties commit to building formal Aboriginal and Torres Strait Islander community-controlled sectors to deliver services to support Closing the Gap.

Priority Reform Three

Transforming government organisations – 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 Four

Shared access to data and information at a regional level – 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 to make decisions about their futures.

Together with the Coalition of Peaks, the Government Parties have also committed to targets for the Priority Reforms, which will measure the change governments are making in the way they work with Aboriginal and Torres Strait Islander people, as well as socio-economic targets which focus on measuring the outcomes experienced by Aboriginal and Torres Strait Islander people.

The National Agreement also sets up a process of implementation planning to achieve the Agreement's objectives and outcomes. Each Party to the Agreement will develop an Implementation Plan, relevant to its responsibilities and commitments. There are also shared actions, and shared accountability and oversight mechanisms, requiring ongoing shared decision-making through the Partnership. Jurisdictional Implementation Plans will be developed and delivered in partnerships between governments, the Coalition of Peaks and other Aboriginal and Torres Strait Islander partners.

Explanation of Key Concepts

In the context of the Partnership Agreement and this Health Check, the meanings attributed to the following key concepts are set out below:

Different cultural perspectives to governance add a complexity to the Partnership that is not found in partnerships between governments and non-Indigenous parties, where formal partnerships, as a way of working together, reflects the dominant Western form of governance. It is expected that the representatives come to negotiations able to represent their Parties' interests. The members of the



Coalition of Peaks, however, bring a different cultural perspective to Partnership governance, one that obliges them to obtain the authority of the organisations they represent before they can claim legitimacy.

This means that:

1. Time must be allowed for proper consultations with their membership;
2. Individual members cannot represent the Coalition of Peaks or their own Peak organisation without first obtaining authority and legitimacy from the Coalition of Peaks as a whole or from their own individual Peak membership.

Power imbalance refers to the relative balance of power between the Partnership Partners noting there is a structural imbalance: Governments control most of the levers required to make a difference in the life outcomes of Aboriginal and Torres Strait Islander people, i.e. the level of resources to be contributed, e.g. funding and government effort, and also the operation of the systems of government that impact on their lives. The Coalition of Peaks brings moral authority and on the ground policy and practice expertise, and a willingness to energise and mobilise the Aboriginal and Torres Strait Islander community-controlled sector which it represents.

One of the issues the Health Check seeks to evaluate is whether governance arrangements under the Partnership Agreement have been successful in addressing this power imbalance. These include:

1. A Ministerial Council of Australian Governments and Aboriginal and Torres Strait Islander People on Closing the Gap (Joint Council) on which Ministers nominated by the government parties, the ALGA and 12 members nominated by the Coalition of Peaks are represented. The Parties agreed that the Coalition of Peaks have additional representation at the Joint Council to assist in their voices being heard, noting that decision-making is still by consensus. The co-chairs are the Commonwealth Minister and the Lead Convener of the Coalition of Peaks.
2. A Partnership Working Group (PWG) consisting of deputy senior officials from each jurisdiction plus the ALGA and the Coalition of Peaks with no limit of the number of members who can attend meetings. The co-chairs are the Commonwealth Deputy Senior Official and the Lead Convener of the Coalition of Peaks.
3. A Drafting Group with representatives from the Commonwealth, Western Australia, Victoria and the Coalition of Peaks was put in place to facilitate the negotiation and drafting of the National Agreement.
4. The Secretariat to the Joint Council and the PWG is located in the National Indigenous Australians Agency (NIAA).
5. Funding from the Commonwealth to the Coalition of Peaks to support its participation, including its own Secretariat under the auspices of NACCHO.

Consensus decision-making means that a decision is taken only when all Partnership Parties agree with a proposition or proposal or recommendation. The idea is for the Parties to talk through any concerns or disagreements, put their respective arguments in support of their positions and seek to persuade the other parties to agree. If they cannot reach a consensus, then a decision is not taken. In effect, this means that each Party has an effective veto.

Open and transparent means the partners inform each other of, and share, relevant information and data that are available and necessary for good decision-making. Information and / or data are not withheld from the other partner, nor are they provided in a piecemeal fashion to distort decision-making to favour one of the partners.

Whole-of-government requires the principles elaborated in the Partnership Agreement and extended by the National Agreement to be understood and applied across all areas of government, not just the agency with responsibility for Aboriginal and / or Torres Strait Islander policy.

Working in partnership means that the relationship is defined by a formal agreement encompassing who the partners are, what they have agreed to do (desired outcomes) and how they will work together.



Equal participation can only occur when all Parties have equal opportunities to access all decision-making forums and are provided with the same information and have sufficient time and resources to fully consider the matters for decision.

Shared decision-making requires equal participation as defined above and means that processes are in place to ensure all Parties are able to exercise their power to make decisions under the Partnership Agreement together with all the other Parties. There cannot be separate processes for decision-making which do not involve all of the Parties.



Appendix 2 – Methodology

Appendix 2a – Survey instructions, questions, and quantitative results

Survey Instructions

These 12 questions seek the Partnership Parties' views about the success of the partnership as elaborated by the Partnership Agreement. Responses will be used to assess the current state of the partnership and, where appropriate, to develop recommendations for strengthening the partnership.

The survey should take about 15-25 minutes to complete, depending on the detail of your answers. You will be asked to:

- consider each of the Success Indicators and rate your current level of agreement, and your level of agreement at the time of the last Health Check*
- give reasons (and examples, if possible) for your ratings*

Answer each question based on your experiences within the partnership, giving thought to how your role, organisation, government or association sits within the partnership framework. Consider the questions in the context of operations at the national, jurisdictional, regional and local levels as appropriate.

You are not required to answer every question. You may skip questions if you wish.

In filling in the survey, please be cognisant of the established partnership principles and protocols.

Participants are required to identify their organisation and position, however, responses will be kept confidential by the independent consultant and reported only in a de-identified way. The purpose of collecting this information is merely to ensure the integrity of the survey.

While the survey is open until close of business on 15 September, participants are strongly encouraged to complete the survey prior to 6 September, as these early responses will help inform the agenda for the Partnership Working Group Workshop on 7 September.

Survey results

Survey Questions	Answers						Total*
Q1. Which organisation or Government do you represent?	Open text**						12
Q2. What is your position within that organisation or Government?	Open text**						12
		Agree	Partially Agree	Partially Disagree	Disagree	N/A***	
Q3. consider the following success indicator: <i>The Partnership Agreement is fulfilling its purpose of facilitating shared decision-making, ownership and responsibility for Closing the Gap. The role of the Coalition of Peaks as a network whose members are in direct contact with local communities and through which communities can engage with governments is acknowledged.</i>	Right now	6 (50%)	5 (42%)	0 (0%)	1 (8%)	0 (0%)	12
Thinking about the Partnership, what is your level of agreement with this indicator?	At the time of the last Health Check	2 (18%)	3 (27%)	0 (0%)	0 (0%)	6 (54%)	11
Q4. Please consider the following success indicator: <i>All governance structures, at all levels, established under the Partnership Agreement and National Agreement are working to give effect to the principles of equal participation, shared decision-making and Aboriginal and Torres Strait Islander self-determination.</i>	Right now	6 (50%)	4 (33%)	0 (0%)	2 (17%)	0 (0%)	12
Thinking about the Partnership, what is your level of agreement with this indicator?	At the time of the last Health Check	3 (27%)	1 (9%)	1 (9%)	0 (0%)	6 (54%)	11
Q5. Please consider the following success indicator: <i>The Partnership supports equal participation of the parties including through:</i> a. <i>Working arrangements to address the power imbalance in the relationship between the Partnership Parties are in place and effective. For example, the views of the Coalition of Peaks are heard, understood, and responded to in all forums established under the Partnership Agreement.</i> b. <i>Barriers to equal participation (systemic and structural racism, discrimination and unconscious bias) are being identified and addressed.</i> c. <i>All levels of government are providing adequate funding for the Coalition of Peaks to undertake its responsibilities effectively.</i>	Right now	2 (17%)	8 (67%)	0 (0%)	1 (8%)	1 (8%)	12
Thinking about the Partnership, what is your level of agreement with this indicator?	At the time of the last Health Check	1 (9%)	3 (27%)	1 (9%)	0 (0%)	6 (55%)	11
Q6. Please consider the following success indicator: <i>The Partnership supports shared decision-making including through:</i> a. <i>Open, informed and transparent negotiation and shared decision-making, including sufficient time and processes for developing appropriately consulted positions, are consistently observed when Parties are making decisions.</i> b. <i>Parties can freely express ideas without prejudice, and can speak frankly without fear of reprisals.</i> c. <i>Decisions under the Partnership are made by consensus.</i> d. <i>There are clear processes to resolve differences of views and to escalate decision-making.</i>	Right now	5 (42%)	4 (33%)	0 (0%)	3 (25%)	0 (0%)	12
Thinking about the Partnership, what is your level of agreement with this indicator?	At the time of the last Health Check	2 (18%)	3 (27%)	0 (0%)	0 (0%)	6 (55%)	11

Q7. Please consider the following success indicator: <i>Aboriginal and Torres Strait Islander people have greater agency in gov processes:</i> a. <i>All parties have arrangements in place or proposed to strengthen the agency of Aboriginal and Torres Strait Islander people in the implementation of Closing the Gap commitments.</i> b. <i>Government Parties are building their own capacity to engage Aboriginal and Torres Strait Islander people, particularly at the regional and local levels.</i> c. <i>Existing and emerging approaches to shared decision-making and self-determination and local priority-setting and service delivery are being provided for and encouraged by all Partnership Parties</i> Thinking about the Partnership, what is your level of agreement with this indicator?	Right now	3 (27%)	6 (55%)	0 (0%)	2 (18%)	0 (0%)	11
	At the time of the last Health Check	1 (10%)	2 (20%)	1 (10%)	0 (0%)	6 (60%)	10
Q8. Please consider the following success indicator: <i>Decisions are based on evidence (empirical and lived experience).</i> Thinking about the Partnership, what is your level of agreement with this indicator?	Right now	4 (33%)	6 (50%)	0 (0%)	2 (17%)	0 (0%)	12
	At the time of the last Health Check	1 (9%)	4 (36%)	0 (0%)	0 (0%)	6 (55%)	11
Q9. Please consider the following success indicator: <i>Data and information collections are transparent and available for sharing between the Partnership Parties, subject to privacy concerns and data sovereignty.</i> Thinking about the Partnership, what is your level of agreement with this indicator?	Right now	4 (33%)	6 (50%)	0 (0%)	1 (8%)	1 (8%)	12
	At the time of the last Health Check	1 (10%)	4 (40%)	0 (0%)	0 (0%)	5 (50%)	10
Q10. What do you consider to be the key strengths of the partnership over the last 12 months?	Open text**						10
Q11. What do you consider to be highest priority risk/s that should be the focus of the next 12 months? (you may refer to the risk register here)	Open text**						10
Q12. Considering the survey as a whole, are there any other matters or suggestions you wish to add?	Open text**						6

* Answer totals varied, as some questions were skipped by respondents.

** Open text responses have not been provided as many include identifying information.

*** Participants were asked to indicate not applicable (N/A) only where they were not involved at the time of the last Health Check. Some participants answered this for the 'right now' question, in error.



Appendix 2b – Workshop attendees (by organisation)

Forty-nine participants attended the workshop from the following organisations:

- Aboriginal Health Council of Western Australia (ACHWA)
- Aboriginal Peak Organisations Northern Council Northern Territory (APONT)
- ACT Aboriginal and Torres Strait Islander Elected Body (ATSIEB)
- ACT Office for Aboriginal and Torres Strait Islander Affairs
- Australian Local Government Association (AGLA)
- Department of Premier and Cabinet – SA
- Department of Premier and Cabinet – VIC
- Department of Premier and Cabinet – WA
- Department of Premier and Cabinet (including Aboriginal affairs) – NSW
- Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships – QLD
- First Peoples Disability Network (FPDN)
- National Aboriginal and Torres Strait Islander Health Worker Association (NATSIHWA)
- National Aboriginal Community Controlled Health Organisation (NACCHO)
- National Indigenous Australians Agency (NIAA)
- National Native Title Council (NNTC)
- NSW Aboriginal Health and Medical Research Council (AHMRC)
- NSW Coalition of Peaks (NSWCAPO)
- Office for Aboriginal Affairs – TAS
- Secretariat of National Aboriginal and Islander Child Care (SNAICC)
- South Australian Aboriginal Community Controlled Organisation Network (SAACCON)
- The Coalition of Peaks (Lead Convenor; Secretariat)
- The Healing Foundation
- Victorian Aboriginal Executive Council (AEC)



Appendix 2c – Ministers’ interview guide

Ministers may participate in a half-hour semi-structured interview, to provide an opportunity to convey any comments they have about the health of the Closing the Gap National Partnership. Responses will be used to assess the current state of the Partnership and, where appropriate, to develop recommendations for strengthening the Partnership.

Participation is optional, and should only be undertaken if Ministers wish to comment over and above what their senior government officials are likely and able to make in the survey tool.

The table below contains the 2021 Success Indicators developed to determine the health of the National Partnership. This is to be used as a reference in seeking the Ministers’ views.

Ministers may choose to comment generally about your level of agreement with any of the statements, and offer any reasons, examples or suggestions in regard to their answers. Ministers may choose which Indicators they consider most relevant to respond to.

Individual responses will remain confidential and reported only in a de-identified and stratified way.

In the interview, please be cognisant of the established partnership principles and protocols.



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