

2024

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

TENTH ASSEMBLY

**ACT Government Response to the Aboriginal and
Torres Strait Islander Elected Body Report on the
Outcomes of the Elected Body Hearings 2024 -**

12th Report to the ACT Government

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Introduction

On April 2024, the ACT Aboriginal and Torres Strait Islander Elected Body held the Elected Body Hearings in accordance with the *Aboriginal and Torres Strait Islander Elected Body Act 2008*.

The Elected Body Hearings are a mechanism by which the ACT Aboriginal and Torres Strait Islander community holds government to account in delivering all aspects of the ACT Aboriginal and Torres Strait Islander Agreement (the ACT Agreement) and the National Agreement on Closing the Gap. During the Hearings, the Elected Body examines the effectiveness and efficiency of government policies, programs and services.

The *Aboriginal and Torres Strait Islander Elected Body Report from Hearings April 2024 – the Twelfth Report to Government* (the Hearings Report 2024) was provided to the ACT Government on 27 May 2024.

The Hearings Report 2024 focuses on the extensive examination of priority actions under the implementation of Phase One and Phase Two of the ACT Agreement.

This report complements the Eleventh Hearing Report from Hearings held in August 2023 which focused specifically on the implementation of Priority reforms of the National Agreement on Closing the Gap and on some aspects of focus areas of the ACT Agreement.

The ACT Government thanks the Elected Body members for providing recommendations and actions to improve the way we work to deliver better outcomes for the ACT Aboriginal and Torres Strait Islander community. The Government would also like to thank the Elected Body for acknowledging the tangible positive outcomes and the good work and efforts of directorates.

The ACT Government agrees to all recommendations that explicitly provide actions to be undertaken by the Government and notes the significant commentary for consideration in progressing action.

The ACT Government also acknowledges that this response aligns to requirements to deliver on priority reforms under the National Agreement on Closing the Gap, as per the Joint Council's agreement to recommendations made by the Productivity Commission in their inaugural three-year review of the National Agreement.

Summary of August 2023 Elected Body Hearings Report

(Eleventh Report to the ACT Government)

The August 2023 Elected Body Hearings recommended that ACT Government Directorates:

1. **Know your commitments** – Both the National Agreement on Closing the Gap and the ACT Aboriginal and Torres Strait Islander Agreement has specific actions and targets that need to be reached.
2. **Plan to do things differently** – Focus energy on changing the way they do things by being clear on program intent and purpose.
3. **Work together** – The nature of the agreements are that there are contributions to be made by all directorates and outcomes. Work with purpose and across directorates to achieve outcomes.

Essential next steps identified by the Elected Body included:

- Child Protection
- Justice
- Community Assets and Community Control
- Early Childhood, Education and Health
- Proportional Funding

ACT Government Response to the findings of the Hearings Report 2024

In the highlights section of Hearings Report 2024, the Elected Body outlined five key areas they acknowledged have seen significant work that has changed the outcomes for Aboriginal and Torres Strait Islander community in ways that can be seen and measured.

1. Analysing data and responding to insights

The Elected Body acknowledged positive outcomes stemming from interventions and initiatives designed through evidence-based approaches. These interventions were informed by the analysis of operational data collected by the directorates and by conclusions from research undertaken in collaboration with experts at ANU.

Highlighting these achievements serves to set examples of good practices to be implemented across directorates. Directorates also acknowledge the issues discussed in relation to the collection, use, analysis, sharing and reporting of data presented in the '*Continuous improvement*' section of the report. Directorates will remain committed to implementing mechanisms that improve data use, activity monitoring and transparent reporting.

2. Tangible progress against Phase 1 of the ACT Agreement

The April 2024 Elected Body Hearings considered specifically the progress of action under Phase One (February 2019 to June 2022) and actions under Phase Two (June 2022 - December 2024) of the ACT Agreement. The Elected Body was pleased to hear that directorates had made significant and positive progress against the outstanding actions of Phase One.

The ACT Government would like to thank members of the Elected Body for working closely with directorates towards the completion on this work.

The forthcoming negotiation of Phase Three of the ACT Agreement will provide an opportunity to elevate the strategic approach of government across all directorates in partnership with the Elected Body, which will further deliver on our commitments and deliver stronger outcomes for the Aboriginal and Torres Strait Islander community.

3. Raising our voices

The ACT Government is committed to principles of self-determination that underpin the ACT Agreement and the National Agreement on Closing the Gap. The Government is pleased the Elected Body was able to identify examples where advice provided by Aboriginal and Torres Strait Islander staff and community-controlled organisations has been followed and had significant positive impact for the community.

4. Emerging cultural integrity

The ACT Government is committed to Priority Reform Three of the National Agreement on Closing the Gap and on the implementation of actions under the Focus Area Cultural integrity of the ACT Agreement.

The report notes “effort to learn, listen and demonstrate greater cultural integrity in the development of policy and leaders as well as delivery of services”. The Elected Body recognised examples of initiatives and efforts across different directorates, including the participation of staff in On-Country cultural awareness programs, the establishment of a whole-of-government Cultural Transformation Branch and the Annual Aboriginal and Torres Strait Islander Symposium for schools and teachers.

The ACT Government knows there is much more to do in this space, aligned to commitments under Priority Reform Three of the National Agreement. The Government will continue to develop and embed approaches to strengthen cultural integrity and address systemic discrimination across the ACT Government.

5. Understanding commitments

The ACT Government recognises the importance for all staff to understand the principles underpinning both Agreements, and the commitments and actions to enable outcomes. Considering the Productivity Commission’s Three-Year Review on the National Agreement on Closing the Gap, the Office for Aboriginal and Torres Strait Islander Affairs organised a series of workshops for Executives, Senior Directors and Director-Generals from all directorates to build a shared understanding of the history, scope and essence of the Priority Reforms and how their articulation is crucial to achieve socio-economic outcomes under both Agreements.

The Hearings Report 2024 notes “a significantly improved understanding of the National Agreement on Closing the Gap and the ACT Aboriginal and Torres Strait Islander Agreement – both from an individual directorate and a collective ACT Government perspective”. We thank the Elected Body for recognising these results and we reiterate that the Government will continue in this direction.

ACT Government Response to recommendations:

The ACT Government **agrees** to concerted action on the recommendations identified in the report.

Some of these recommendations are in line with the essential next steps highlighted in the previous Hearings Report from Hearings held on August 2023 (Eleventh Hearings Report).

As Phase Two of the ACT Agreement is being finalised and negotiation of the Phase Three Action Plans begins, the ACT Government commits to including these essential next steps and actions in Focus Area Actions Plans and Directorate Implementation Plans.

The following recommendations were made for continuous improvement:

Next steps	ACT Government Response	
Understanding of partnerships	Agree	<p>The Elected Body noted partnerships can have multiple parties and encouraged the ACT Government to consider establishing limited-term partnership vehicles to work with community on specific issues.</p> <p>The Elected Body highlighted Housing, Boomanulla and child protection as examples where a multi-directorate and multi-community representation vehicle could accelerate change and focus consultation processes.</p>
Proportional funding	Agree	<p>The Elected Body identified proportional funding as where Aboriginal and Torres Strait Islander people access particular services that the funding for those services reflects the proportion of Aboriginal and Torres Strait Islander people it serves.</p> <p>The ACT Government agrees the recommendation to review and establish proportional funding across the areas of housing, justice reinvestment and systemic discrimination to ensure that funding is proportional to the percentage of Aboriginal and Torres Strait Islander people using the services.</p> <p>The ACT Government agrees to explore opportunities across other areas and directorates, acknowledging this is a critical component of investing in the Aboriginal Community-Controlled Organisation (ACCO) sector in line with commitments under Priority Reform Two of the National Agreement on Closing the Gap.</p> <p>Undertaking Aboriginal and Torres Strait Islander Expenditure Reviews in line with the National Agreement on Closing the Gap will allow us to review and track this across directorates.</p> <p>Further, the development of Phase Three (3) of the ACT Agreement provides an opportunity to embed proportional funding into the delivery of programs across each directorate.</p>

Systemic discrimination	Agree	<p>The Elected Body noted work on a framework for identifying and approaching systemic discrimination across the ACT Government. However, they advised the presence of systemic discrimination needs a systemic response including education, training, cultural immersion, revision of legislation and policies, understanding of service access, delivery and experience, recruitment and employment experience. It needs to be across every aspect of the ACT Government responsibility and service delivery.</p> <p>This response will continue to be prioritised across government, particularly in the development of Phase Three (3) of the ACT Agreement.</p>
Consistency in language	Agree	<p>The Elected Body pointed out the inconsistency and misuse of the terms 'Indigenous', 'First Nations' and 'Aboriginal and Torres Strait Islander people' when referring to the ACT community.</p> <p>The ACT Government agrees to use the term proposed by the Elected Body 'ACT Aboriginal and Torres Strait Islander community' in a consistent way across directorates.</p>

The following recommendations were made for next steps.

Adopt leading practices in relation to sharing of Indigenous knowledges intellectual property	Agree	<p>The Elected Body recognised the need to adopt best practices on Indigenous Intellectual Property and for these practices to be applied across all directorates.</p> <p>The Hearings Report 2024 noted seminal work currently being undertaken with Aboriginal and Torres Strait Islander law-experts in the field of Indigenous Intellectual and Cultural Property. This work, being led by the Chief Minister, Treasury and Economic Development Directorate and will inform best practice and culturally safe protocols and processes for commissioning and licensing.</p> <p>The ACT Government agrees with the recommendation to continue this work and extend findings for best practice across all directorates.</p>
Improve collaboration within government	Agree	<p>The Elected Body recommended strengthening the way directorates collaborate. This recommendation is in line with the overarching recommendations 'work together' provided in the previous Hearing Report from August 2023 hearings (Eleventh Report to ACT Government).</p>

		<p>This recommendation is also broadly consistent with recommendations made by the Auditor-General's Report into the Implementation of the ACT Aboriginal and Torres Strait Islander Agreement (No. 6/2023).</p> <p>The ACT Government agrees to enhance collaborations and coordination between directorates to ensure a holistic approach is undertaken for each Focus Area under the ACT Agreement.</p> <p>This will be embedded in Phase Three (3) of the ACT Agreement, through the Directorate Implementation Plans.</p>
Engagement to support a resilient and capable community	Agree	<p>The Elected Body recognised the need for better engagement practices with the ACT Aboriginal and Torres Strait Islander community.</p> <p>The Elected Body recommended creating specific partnerships in core areas underpinned by the principles set in the National Agreement on Closing the Gap.</p> <p>The ACT Government agrees with the need to strengthen formal partnerships to support a resilient and capable community, built on the principle of self-determination.</p> <p>The ACT Government remains committed to working with the Elected Body to identify opportunities of partnership and is already working with several groups to facilitate this.</p> <p>Phase Three (3) of the ACT Agreement provides an opportunity for the ACT Government to work in partnership with the Elected Body to develop the strategies for how this will be applied and targets for accountability in Directorate Implementation Plans.</p>
Data analysis, reporting and insights	Agree	<p>The Elected Body observations echoed the previous findings on aspects related to data and reporting and the challenges for community. This included the 2023 findings that all directorates, as a matter of urgency, need to build, adjust or utilise data that provides the ability to track progress against the ACT Agreement.</p> <p>This also aligns with findings from the Productivity Commission's Review into the National Agreement on Closing the Gap.</p> <p>The ACT Government agrees to strengthen the mechanisms for progress monitoring and reporting, including addressing data gaps and how information is reported.</p> <p>In accordance with this recommendation and findings from the Audit Report N0.6/2023 into the implementation of the ACT Agreement, we have been progressing work to:</p>

		<ul style="list-style-type: none"> - Review and strengthen governance arrangements for actions under implementation phases. - Review data governance to put in place new Aboriginal and Torres Strait Islander reporting guidelines for faithful representation of the progress under both Agreement. - Develop an Actions Register for the ACT Agreement. The Action Register will support timely, accurate and transparent progress updates and reporting under each implementation phase. <p>Further, Phase Three (3) of the ACT Agreement will provide an opportunity to embed this across directorates under the Directorate Implementation Plans.</p>
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Conclusion

The ACT Government welcomes the Aboriginal and Torres Strait Islander Elected Body Report from Hearings held on April 2024 and notes the commentary and analysis provided in the Report. This will contribute to the ACT Government's continued growth as a partner with Aboriginal and Torres Strait Islander people to improve outcomes for all people in the community.

Actions against each recommendation will be developed and implemented in alignment with ACT Government positions on the Auditor-General's Report into the Implementation of the ACT Aboriginal and Torres Strait Islander Agreement (2023), the Elected Body's Eleventh Hearing Report (2023), and the Productivity Commission's Three-Year Review into the National Agreement on Closing the Gap (2024).