
The Artwork

The cover artwork was designed for the *2022–2024 NSW Implementation Plan for Closing the Gap*. It represents connection to the land of NSW, from the red dirt and mountain ranges to the water.

The bottom part of the artwork symbolises the ocean that NSW is connected to, and its link to Saltwater people.

The rivers and creeks are symbolised throughout the artwork, with symbols along the waterways representing Freshwater people, who regularly gathered along the banks.

NSW is known for its many distinctive mountain ranges and escarpments, which are illustrated in the artwork – from mountains ranges close to the ocean to the inland mountain ranges, which include bushland and rainforests.

The orange and brown areas symbolise the colours of the land elsewhere in NSW.

Animal tracks are included throughout the artwork, representing the wildlife that live and wander throughout NSW, including kangaroo, goanna and emu tracks. These animals are very significant to Aboriginal people.

The centrepiece is the gathering of Aboriginal people and government, working together in Closing the Gap.

The artist, Lani Balzan, is a proud Aboriginal woman from the Wiradjuri people of the three-river tribe. One of her biggest goals and inspirations in creating her artwork is to develop a better connection to her culture and to continue to work towards reconciliation – bringing people and communities together to learn about the amazing culture we have here in Australia.

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Acknowledgement of Country

NSW CAPO, NSW Government and Local Government NSW acknowledge the Traditional Custodians of the lands where we work and live. We celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of NSW.

We pay our respects to Elders past, present and emerging and acknowledge the Aboriginal and Torres Strait Islander people that contributed to the development of this NSW Partnership Agreement.

Preamble

Preamble

In March 2019, a formal Partnership Agreement on Closing the Gap was established between the Commonwealth Government, State and Territory governments, the Coalition of Aboriginal and Torres Strait Islander Peak Organisations (the Coalition of Peaks), and the Australian Local Government Association (ALGA).

The July 2020 National Agreement on Closing the Gap (the National Agreement) is a commitment by Australian governments to set out a future where policy making impacting the lives of Aboriginal and Torres Strait Islander people is done in full and genuine partnership. The National Agreement commits to ensuring the views and expertise of Aboriginal and Torres Strait Islander people, including Elders, Traditional Owners and Native Title holders, communities and organisations will continue to provide central guidance to the Coalition of Peaks and Australian governments throughout the life of the National Agreement. To implement the National Agreement, Australian governments are required to share decision-making with Aboriginal and Torres Strait Islander people represented by their community-controlled peak organisations on Closing the Gap, the Coalition of Aboriginal and Torres Strait Islander Peak Organisations (Coalition of Peaks).

This new approach, formalised in the 2020 National Agreement, is a commitment to doing business differently and is an unprecedented shift in the way governments work, by encompassing shared decision-making on the design, implementation, monitoring and evaluation of policies and programs to improve life outcomes with Aboriginal and Torres Strait Islander people.

In signing the National Agreement, the New South Wales Government (NSW Government) has committed to work in partnership with Aboriginal and Torres Strait Islander communities and organisations to share in decisions on the development and implementation of policies and programs that impact the lives of Aboriginal and Torres Strait Islander peoples.

The parties have agreed to formal governance arrangements to oversee the work of Closing the Gap in NSW. These governance arrangements are intended to implement partnership and shared decision-making across the program of Closing the Gap in NSW.

Three years on, the strength and the achievements of the partnership between the NSW Coalition of Aboriginal Peak Organisations (NSW CAPO) and the NSW Government demonstrate important first steps to support the transformative potential of this new approach.

The NSW Coalitional of Aboriginal Peak Organisations (NSW CAPO) and the NSW Government have worked in partnership to develop several jurisdictional implementation plans, and will continue to develop future plans in partnership, which outline how we will achieve the ambitious vision and outcomes of the National Agreement.

Implementing the National Agreement on Closing the Gap is everyone's responsibility and is an unprecedented shift in the way governments work, by encompassing shared decision-making on the design, implementation, monitoring and evaluation of policies and programs to improve life outcomes with Aboriginal and Torres Strait Islander people. There undoubtedly remains more to be done — progress remains too modest, slow and inconsistent.

As the breadth of work overseen by the partnership continues to expand through these Implementation Plans, we come together to sign this partnership agreement to lay out the agreed arrangements and reaffirm the resolute commitment of NSW CAPO, the NSW Government and Local Government NSW to work together on Closing the Gap, where policy impacting the lives of Aboriginal and Torres Strait Islander people is done in full and genuine partnership.

This NSW Partnership Agreement recognises that at the centre of the National Agreement are four Priority Reforms, with a fifth NSW specific Priority Reform, that focus on changing the way governments work with Aboriginal and Torres Strait Islander people and that these Priority Reforms (Schedule B) must be implemented.

The Priority Reforms will:

- Strengthen and establish formal partnerships and shared decision-making.
- Build the Aboriginal and Torres Strait Islander community-controlled sector.
- Transform government organisations so they work better for Aboriginal and Torres Strait Islander people.
- Improve and share access to data and information to enable Aboriginal and Torres Strait Islander communities make informed decisions.
- Grow the Aboriginal business sector in partnership, including by expanding opportunities for businesses to deliver government contracts. This NSW specific Priority Reform recognises that Aboriginal businesses are often vehicles of self-determination, driving positive employment, training and broader social outcomes.

The Agreement

Partnership Parties

1. The Partnership Agreement on Closing the Gap in New South Wales (**NSW Partnership Agreement**) is between the NSW CAPO, NSW Government and Local Government NSW (LGNSW) (**the Parties**).
2. NSW CAPO and its members:
 - a. Are NSW non-government Aboriginal Community Controlled Peak bodies and certain independent statutory authorities which have responsibility for policies, programs, and services.
 - b. Have governing boards elected by Aboriginal communities and/or Aboriginal organisations which are accountable to that membership.
 - c. Provide an independent and coordinated voice to address issues affecting Aboriginal and Torres Strait Islander people.
 - d. Are committed to supporting and fostering the social, economic, and cultural wellbeing of Aboriginal and Torres Strait Islander people in New South Wales.
3. In line with the National Agreement, NSW CAPO are representative of Aboriginal and Torres Strait Islander people's interests in NSW in Closing the Gap as they are directly involved in the delivery and monitoring of services to their communities and families across NSW.
4. NSW CAPO representation is based on community controlled peak organisations accountable to Aboriginal and Torres Strait Islander communities, and representation at a state and local level.
5. The members of CAPO at the time of signing are shown at **Schedule A**. Additional members may join CAPO, and are encouraged to do so, if they meet the membership criteria agreed by CAPO members.
6. Local Government NSW is the peak body for local government in NSW, and provides advocacy, representation and support to assist its member councils deliver improved services and better outcomes to their local communities.
7. In line with the National Agreement, the parties commit to ensure the views and expertise of Aboriginal and Torres Strait Islander communities, including Elders, Traditional Owners and Native Title holders, communities, organisations and local decision-making models will continue to provide central guidance to the parties over the life of the partnership. Following extensive consultations across the country in 2019 and to ensure full, informed and meaningful participation of Aboriginal and Torres Strait Islander people, communities, organisations, and businesses, the parties require broad engagement with Aboriginal and Torres Strait Islander communities and organisations.

Partnership Scope

8. The Partnership Agreement is between NSW CAPO, NSW Government, and LGNSW. All parties are committed to working in genuine partnership, in accordance with the Strong Partnership Elements of the National Agreement, on the design, implementation, monitoring and evaluation of policies and programs.
9. This Partnership Agreement applies to the activities and commitments necessary to give effect to the National Agreement, including the full implementation of the four national Priority Reforms and the fifth NSW-specific Priority Reform.

10. The Partnership Agreement takes effect on the signature of all Parties and will be in place until the cessation of the National Agreement. The Partnership Agreement is intended to be updated to reflect shared priorities, progress and feedback from Aboriginal and Torres Strait Islander peoples over its lifetime.
11. The NSW Partnership Agreement reaffirms the relevant commitments of the parties under the National Agreement and National Partnership Agreement to working in partnership and the high-level roles and responsibilities of those parties within NSW. It will be supported by the development of addendums which provide more detailed operational day-to-day guidance. The addendums will be developed in partnership separately via NSW Partnership Working Group and NSW Joint Council, and subject to regular review to ensure they align with current processes and requirements.

Partnership Objectives

12. The objectives of the Partnership Agreement are to:
 - a. Set out agreed principles for working in partnership between the Parties that adhere to, complement and build on the Strong Partnership Elements outlined in the National Agreement.
 - b. Define the roles, responsibilities, and expectations of the Parties in the implementation of Closing the Gap in New South Wales.
 - c. Formally share ownership of, and responsibility for, the jointly agreed work committed to in NSW Implementation Plans, in line with each Party's respective responsibilities.
 - d. Advance Aboriginal and Torres Strait Islander peoples' involvement, engagement and autonomy through equitable participation, shared authority and decision making in relation to Closing the Gap.
 - e. Fully implement the five Priority Reforms through ambitious systemic reform efforts and embedding them in all work done on Closing the Gap, to ensure meaningful and sustainable progress is made. The five Priority Reforms are:
 - i. Formal Partnerships and Shared Decision Making.
 - ii. Building the Community Controlled Sector.
 - iii. Transforming Government Organisations.
 - iv. Shared Access to Data and Information at a Regional Level.
 - v. Employment, Business Growth and Economic Prosperity.

Partnership Principles

13. The Partnership Agreement and its application are aligned to the principles contained within the United Nations Declaration on the Rights of Indigenous Peoples, as supported by the Australian Government on 3 April 2009.
14. The Parties also commit to the following ways of working together in partnership:
 - a. *Transparency.* The Parties commit to transparently share relevant information for the operation of the Partnership, within the constraints imposed by confidentiality and probity requirements.
 - b. *Accountability.* The Parties acknowledge they share accountability for the successful implementation of Closing the Gap, in line with their roles and responsibilities included in this Partnership Agreement. The Parties recognise that NSW CAPO is directly accountable to Aboriginal and Torres Strait Islander communities through mechanisms of community- control. The Parties recognise that LGNSW is directly accountable to its membership via its democratically elected Board.
 - c. *Acknowledging demands of shared decision-making.* The Parties acknowledge the significant workload required to give effect to this Partnership Agreement and the National Agreement and commit to supporting the Partnership, as outlined in Clause 32.
 - i. The Parties agree to operate with acknowledgement of the challenges faced by Community-Controlled Organisations and ensure adequate resourcing and timeframes in order to strengthen and enhance the NSW Partnership.
 - d. *Mutual respect.* The Parties recognise that NSW CAPO organisations and their local members provide an unparalleled network through which communities can engage with governments on implementing and monitoring Closing the Gap progress. The cultural knowledge and expertise provided by NSW CAPO organisations and local communities is essential for meaningful progress to occur. The Parties also recognise that Aboriginal and Torres Strait Islander staff in NSW Government and in Local Councils make a vital contribution to the work and programs of these organisations.
 - e. *Inclusion.* The Parties celebrate the diversity of perspectives, needs, and priorities of Aboriginal and Torres Strait Islander communities across NSW. While the Partnership Agreement, and the accountabilities that stem from it, is ultimately between NSW CAPO, NSW Government, and LGNSW the Parties recognise the importance of seeking and bringing together the inputs of a broad collective of Aboriginal and Torres Strait organisations and communities.
15. The Partnership Agreement is underpinned by Strong Partnership Elements at Clause 32 of the National Agreement, including that:
 - a. The Partnership will be accountable and representative and between:
 - i. Aboriginal and Torres Strait Islander people, where participation in decision-making is done by and appointed by Aboriginal and Torres Strait Islander people in a transparent way, based on their own structures and where they are accountable to their own organisations and communities;
 - ii. up to three levels of government, where government representatives have negotiating and decision-making authority relevant to the partnership context; and

- iii. other parties as agreed by the Aboriginal and Torres Strait Islander representatives and governments.
- b. This Partnership Agreement is signed by all parties and:
- i. defines who the parties are, what their roles are, what the purpose and objectives of the partnership are, what is in scope of shared decision-making, and what are the reporting arrangements, timeframes, and monitoring, review and dispute mechanisms;
 - ii. is structured in a way that allows Aboriginal and Torres Strait Islander parties to agree the agenda for the discussions that lead to any decisions;
 - iii. is made public and easily accessible; and
 - iv. is protected in legislation where appropriate.
- c. Decision-making is shared between the NSW government and CAPO:
- i. by consensus, where the voices of Aboriginal and Torres Strait Islander parties hold as much weight as the governments;
 - ii. transparent, where matters for decision are in terms that are easily understood by all parties and where there is enough information and time to understand the implications of the decision;
 - iii. where Aboriginal and Torres Strait Islander representatives can speak without fear of reprisals or repercussions;
 - iv. where a wide variety of groups of Aboriginal and Torres Strait Islander peoples, including women, young people, Elders, LGBTQIA+SB people, and Aboriginal and Torres Strait Islander peoples with a disability can have their voice heard;
 - v. where self-determination is supported, and Aboriginal and Torres Strait Islander lived experience is understood and respected;
 - vi. where relevant funding for programs and services aligns with community priorities; and
 - vii. where partnership parties have access to the same data and information, in an easily accessible format, on which any decisions are made (subject to parties' privacy principles and intellectual property rights).

Partnership Responsibilities

16. The Parties fulfil their responsibilities as equal partners and signatories to the National Agreement.
17. The Parties have different responsibilities within the Partnership, including joint and individual. These responsibilities reflect the scope of each Party's involvement on Closing the Gap.
18. NSW CAPO and NSW Government are jointly responsible for shared decision-making regarding the design, implementation, monitoring and review of the National Agreement in NSW, including by:

- a. Developing, in partnership with NSW CAPO, NSW Implementation Plans for Closing the Gap that fulfil the requirements outlined in Clause 108 of the National Agreement.
- b. Monitoring delivery of all individual and collective commitments made in NSW Implementation Plans.
- c. Supporting national decision-making on Closing the Gap and implementation of any jurisdictional requirements, as determined by the National Joint Council.
- d. Monitoring progress against the National Agreement, and other jointly agreed, targets, indicators, and action plans.
- e. Sharing of quantitative and qualitative data to support accountability requirements under Closing the Gap, including the development and publication of joint NSW Annual Reports on Closing the Gap.
- f. Sharing decision-making on the design, implementation, monitoring and evaluation of policies and programs to improve life outcomes for Aboriginal and Torres Strait Islander people in NSW.
- g. Striving to ensure the views and expertise of Aboriginal and Torres Strait Islander people, including Elders, Traditional Owners and Native Title holders, communities, organisations and local decision-making models in NSW provide central guidance to the parties throughout the life of the national agreement openly and transparently.

19. NSW CAPO will:

- a. Continue to advocate for urgent, sustained and ambitious action to the NSW Government to follow through on its commitments in the National Agreement.
- b. Undertake regular, ongoing and inclusive engagement with Aboriginal and Torres Strait Islander communities, people and organisations to ensure their voices, expertise, priorities and experiences guide CAPO's participation in Closing the Gap.
- c. Strive to hold government agencies to account for following through the commitments made in the National Agreement or NSW Implementation Plans.
- d. Ensure internal governance arrangements continue to be participatory, transparent, accountable and representative, including by identifying intersectionality (e.g. specific focus on Aboriginal and Torres Strait Islander women, people living with disability etc), gaps and where sector strengthening is required.

20. The NSW Government will:

- a. Ensure the active strategic oversight, engagement and commitment of NSW Ministers and senior Public Servants to Closing the Gap processes, including through strengthened accountability mechanisms.
- b. Undertake ambitious systemic reform actions to embed the Priority Reforms at all levels of NSW Government through tangible and measurable actions designed and monitored in partnership with CAPO, including, but not limited to actions committed to in NSW Implementation Plans, all jurisdictional actions outlined in the National Agreement, and within all significant policy reforms and strategies impacting Aboriginal and Torres Strait Islander communities.
- c. Strengthen their own capability to engage transparently, appropriately and effectively with Aboriginal and Torres Strait Islander peoples and organisations on

policies and programs that primarily impact on Aboriginal and Torres Strait Islander people in accordance with Clause 59 of the National Agreement.

- d. Embrace the transformative potential of a genuine partnership approach and a new way of working through sustained whole-of-government actions in accordance with the Transformation Elements and Jurisdictional Actions in Clauses 59-66 of the National Agreement.
- e. Continue to maintain responsibility for providing appropriate funding for Closing the Gap, including services and programs. The Partnership Agreement does not transfer funding responsibility to NSW CAPO.
- f. Continue to ensure CAPO is resourced to effectively and meaningfully participate in the partnership in accordance with Clause 33 of the National Agreement.
- g. Sharing access to location specific data and information will support Aboriginal and Torres Strait Islander communities and organizations, in accordance with the Data and Information Sharing Elements at Clauses 71 and 72 of the National Agreement.
- h. Fulfill all its commitments made in the National Agreement in Closing the Gap. Ensure all NSW Government agencies are accountable for the adoption and implementation of the National Agreement, in line with their respective responsibilities and in recognition of the necessity of a whole-of-government approach to Closing the Gap.
- i. Ensure that the NSW Premier's Department, as the NSW Government's representative for the purpose of the Partnership Agreement is responsible for coordination of the implementation of the National Agreement on behalf of NSW Government.

21. Local Government NSW will:

- a. Contribute to the activities outlined in Clause 16 (above) through policy advice regarding the potential input of local councils in relevant projects. Input may not be required for all projects, however NSW CAPO and NSW Government seek the input of LGNSW where collaboration could enhance the outcomes and impact of work carried out under Closing the Gap.
- b. Provide leadership and policy advice to councils in NSW on Closing the Gap initiatives and desired outcomes.
- c. Promote information sharing and opportunities for councils in NSW to engage in Closing the Gap programs and initiatives.
- d. Promote mutually beneficial partnerships with councils in NSW that support Closing the Gap outcomes.
- e. Keep Aboriginal Affairs NSW informed of views, significant issues, constraints, capabilities and Initiatives that may affect or impact on councils' ability to engage in Closing the Gap initiatives.
- f. Act as a conduit for information sharing between Australian Local Government Association (ALGA) and all member councils in NSW on National and NSW Closing the Gap information.

22. The Parties will jointly undertake a Partnership Health Check regularly throughout the life of the partnership.

Partnership in Practice and the Governance Structure

23. The Parties have agreed to formal governance arrangements to oversee the work of Closing the Gap. These governance arrangements are intended to implement partnership and shared decision-making across the program of Closing the Gap in NSW.
24. These governance arrangements are subject to regular review and change to ensure they support and promote partnership and shared decision-making. As Closing the Gap progresses and evolves, the parties will ensure that the arrangements continue to serve this purpose, and align with the principles of this Agreement, the strong partnership elements included in Clauses 32 and 33 of the National Agreement and the overall objectives of the National Agreement.
25. The Parties further recognise the importance of defining and agreeing how partnership works in practice. To support this, the Parties commit to developing addendums to this Agreement that lay out the operational function of the partnership.
26. These addendums are intended to support the Partnership Agreement and provide further detailed guidance to Parties. The Parties are committed to reviewing and improving our approach and these addendums will be subject to regular review and change.
27. These addendums will be developed separately to this Agreement, for endorsement by NSW Joint Council.
28. The development of further addendums or amendments to the current addendums will be determined by mutual agreement of the NSW Joint Council members.

Commitment of the Parties to Transformation and Change

29. The Parties recognise that implementing the National Agreement on Closing the Gap is a transformative shift in the way governments work, encompassing shared decision-making on the design, implementation, monitoring and evaluation of policies and programs to improve life outcomes for Aboriginal and Torres Strait Islander people.
30. The Parties acknowledge that the National Agreement, including the Priority Reforms, sets out overarching reforms to how government organisations work and requires implementation holistically across government, rather than solely or predominantly through discrete programs.
31. Closing the Gap is a community-driven reform process, with significant community expectations attached. The vision for a better future as expressed by communities through the Coalition of Peaks-led consultations, the largest consultation process ever undertaken with Aboriginal communities, is not one that can be achieved through piecemeal, disjointed changes.
32. NSW Government Agencies must drive commitment across all teams within their organisation to implement the Priority Reforms across all work with or effecting Aboriginal and Torres Strait Islander communities and organisations. This requires sustained effort from Senior Leadership to promote Closing the Gap as a high priority, ensure accountability across departments, and avoid 'business as usual' approach.

Support for Aboriginal Partnership Participation

33. The Parties recognise the substantial work required of NSW CAPO organisations to engage in this Partnership and acknowledge NSW CAPO need to be provided with adequate and ongoing financial support to enable their engagement as equal partners in accordance with Clause 33 of the National Agreement, in addition to any other funding arrangements between NSW CAPO and Government.
34. Resourcing of Closing the Gap Partnership and associated activity should not replace or supersede funding for existing or business-as-usual work.
35. NSW Government has committed to provide NSW CAPO with funding for this purpose, acknowledging support is required to ensure a genuinely equal partnership. The commitment and governance of current and any future funding is the subject of a separate agreement.

Partnership Status

36. The Parties do not intend any of the provisions of this Partnership Agreement to be legally enforceable. However, this does not lessen the Parties' commitment to this Agreement. All Parties are committed to fully implementing the Partnership Agreement, in line with the agreed principles.
37. The Parties agree that upon signing, this Partnership Agreement, including any changes, will be published on the websites of the Parties, and remain there until the Partnership Agreement ends.

Dispute Resolutions

38. All parties are committed to working collaboratively and in the spirit of this agreement. In the unlikely event that the parties cannot agree, the matter will be escalated to co-chairs of NSW Joint Council for resolution.

Variations to the Partnership Agreement

39. A Party to the Partnership Agreement may terminate their participation in the Agreement at any time by notifying all the other Parties in writing.

Signatories

The Hon. Chris Minns, MP
NSW Premier

Councillor Anne Dennis
NSW Coalition of Aboriginal Peak Organisations Co-Chair

John Leha
NSW Coalition of Aboriginal Peak Organisations Co-Chair

Councillor Darriea Turley AM
President, Local Government NSW

Schedules

Schedule A: New South Wales Coalition of Aboriginal Peak Organisations

NSW Aboriginal Land Council

NSW Aboriginal Education Consultative Group

Link-Up (NSW)

Aboriginal Legal Service (NSW/ACT) Ltd

AbSec - NSW Child, Family and Community Peak Aboriginal Corporation

First Peoples Disability Network

Aboriginal Health and Medical Research Council of NSW

BlaQ Aboriginal Corporation

Aboriginal Culture, Heritage, and Arts Association

NSW Coalition of Aboriginal Peak Organisations (NSW CAPO)



Schedule B: Priority Reforms under the National Agreement

Priority Reform 1 Formal Partnerships and Shared Decision Making

Outcome: Aboriginal and Torres Strait Islander people are empowered to share decision-making authority with governments to accelerate policy and place-based progress on Closing the Gap through formal partnership arrangements
Target: There will be formal partnership arrangements to support Closing the Gap in place between Aboriginal and Torres Strait Islander people and governments in place in each state and territory enshrining agreed joint decision-making roles and responsibilities and where Aboriginal and Torres Strait Islander people have chosen their own representatives.

Priority Reform 2 Building the Community Controlled Sector

Outcome: Building the community-controlled sector: There is a strong and sustainable Aboriginal and Torres Strait Islander community-controlled sector delivering high quality services to meet the needs of Aboriginal and Torres Strait Islander people across the country.
Target: Increase the amount of government funding for Aboriginal and Torres Strait Islander programs and services going through Aboriginal and Torres Strait Islander community-controlled organisations.

Priority Reform 3 Transforming Government Organisations

Outcome: Improving mainstream institutions: Governments, their organisations and their institutions are accountable for Closing the Gap and are culturally safe and responsive to the needs of Aboriginal and Torres Strait Islander people, including through the services they fund.
Target: Decrease in the proportion of Aboriginal and Torres Strait Islander people who have experiences of racism.

Priority Reform 4 Shared access to data and information at a regional level

Outcome: Aboriginal and Torres Strait Islander people have access to, and the capability to use, locally-relevant data and information to set and monitor the implementation of efforts to close the gap, their priorities and drive their own development.
Target: Increase the number of regional data projects to support Aboriginal and Torres Strait Islander communities to make decisions about Closing the Gap and their development.

Premier's Department

52 Martin Place
Sydney NSW 2000

GPO Box 5341
Sydney NSW 2000

Office hours:
Monday to Friday
9.00am to 5.00pm

T: 02 9228 5555
E: ctgnsw@aboriginalaffairs.nsw.gov.au
W: <https://www.aboriginalaffairs.nsw.gov.au/>

