

# Partnership Agreement between the Aboriginal and Torres Strait Islander Leadership Group, Commonwealth, State and Territory Governments

*Safe and Supported: the National Framework for Protecting  
Australia's Children 2021–2031*





## A PARTNERSHIP AGREEMENT BETWEEN

Aboriginal and Torres Strait Islander leaders on advancing safety and wellbeing of Aboriginal and Torres Strait Islander children, convened by SNAICC – National Voice for Our Children, the lead Aboriginal and Torres Strait Islander peak body on matters of child protection, and member of the Coalition of Aboriginal and Torres Strait Islander Peak Organisations, represented by

**The Aboriginal and Torres Strait Islander Leadership Group.**

and

The Commonwealth of Australia represented by:

**The Minister for Social Services**

(represented by the Department of Social Services (the department) for the purpose of the administration of this Partnership Agreement)

and

State and Territory Governments represented by:  
Community Services Ministers with portfolio responsibility for children and families <sup>1</sup>

**Minister for Child Protection, Minister for Women and the Prevention of Domestic and Family Violence (SA)**

**Minister for Child Safety, Minister for Seniors and Disability Services and Minister for Multicultural Affairs (Qld)**

**Minister for Early Childhood Education, Minister for Child Protection, Minister for Prevention of Family and Domestic Violence, Minister for Community Services (WA)**

**Minister for Territory Families, Minister for Youth, Seniors and Equality, Minister for Disabilities, Minister for Multicultural Affairs, Minister for Urban Housing (NT)**

**Minister for Children and Youth, Minister for Community Services, Minister for Aboriginal Affairs (Tas)**

**Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Family Services, Minister for Health (ACT)**

**Minister for Families and Communities, Minister for Disability Inclusion (NSW)**

**Minister for Children, Minister for Disability (Vic)**

The Commonwealth, state and territory governments and the Leadership Group are collectively referred to as “the Parties” or “we”.

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**SAFE & SUPPORTED**

THE NATIONAL FRAMEWORK FOR PROTECTING AUSTRALIA'S CHILDREN 2021 - 2031



## Preamble

The Parties acknowledge the Traditional Owners of the lands and waters on which we live and work, and pay their respects to Elders past and present.

The Parties also acknowledge the strength of Aboriginal and Torres Strait Islander people in sustaining the world's oldest living culture. Aboriginal and Torres Strait Islander people and their cultures have prevailed and endured despite continuing to experience entrenched disadvantage, political exclusion, intergenerational trauma and ongoing institutional racism caused by government policies and practices.

This Partnership Agreement expresses the formal partnership between the Aboriginal and Torres Strait Islander Leadership Group (Leadership Group) and Commonwealth, state and territory governments (through Community Services Ministers), to implement *Safe and Supported: the National Framework for Protecting Australia's Children 2021-2031* (Safe and Supported)<sup>2</sup>, in line with the National Agreement on Closing the Gap (Closing the Gap)<sup>3</sup> Priority Reform One.

This Partnership Agreement recognises that all Parties have committed to shared decision-making<sup>4</sup> under the overarching structure provided through Closing the Gap.

This Partnership Agreement will give effect to all of the strong partnership elements outlined in Clause 32 of the National Agreement on Closing the Gap.

The Partnership Agreement acknowledges that Aboriginal and Torres Strait Islander peoples have the right to determine the design and delivery of services that affect them, and the right to autonomy and self-determination, which enables better life outcomes. This is in line with Closing the Gap and the United Nations Declaration on the Rights of Indigenous Peoples<sup>5</sup>, particularly Articles 3, 4 and 5. Shared decision-making is a process of Aboriginal and Torres Strait Islander peoples and governments relating in a way that may be one step towards realising the right to self-determination<sup>6</sup>.

The Parties acknowledge that shared decision-making is essential to achieving the goals of Safe and Supported, which is to make significant and sustained progress in reducing child abuse and neglect and its intergenerational impacts. Safe and Supported is a key framework for achieving Target 12 of Closing the Gap to reduce the over-representation of Aboriginal and Torres Strait Islander children in out-of-home care by 45 per cent by 2031.

The Leadership Group is a group of pre-eminent Aboriginal and Torres Strait Islander people committed to advancing the safety and wellbeing of Aboriginal and Torres Strait Islander children, families and communities. The Leadership Group is convened by SNAICC – National Voice for Our Children, the lead Aboriginal and Torres Strait Islander peak body on matters of child protection and a member of the Coalition of Aboriginal and Torres Strait Islander Peak Organisations.

The Leadership Group's membership comprises representatives of Aboriginal and Torres Strait Islander peak organisations, leading community-controlled child and family services, academics and Aboriginal and Torres Strait Islander Commissioners, Guardians and Advocates for Children and Young People.

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<sup>2</sup> [Safe and Supported, [Safe and Supported: The National Framework for Protecting Australia's Children 2021-2031](#)]


<sup>3</sup> [Closing the Gap – [The National Agreement on Closing the Gap](#)]

<sup>4</sup> [Closing the Gap – [Clause 32](#)]

<sup>5</sup> [UNDRIP – [UN Declaration on the Rights of Indigenous Peoples](#)]

<sup>6</sup> [Self-determination (page 51) – [Safe and Supported: The National Framework for Protecting Australia's Children 2021-2031](#)]





Since 2021, the Leadership Group has worked with government representatives to develop Safe and Supported, as a framework for ongoing partnership towards effective implementation and monitoring, including the development of a Monitoring and Evaluation Strategy. The Leadership Group will work in partnership with governments to guide actions that achieve the goal of Safe and Supported.

On 31 January 2023, Community Services Ministers and the Leadership Group launched the *Safe and Supported: First Action Plan 2023-2026* (First Action Plan), and *Safe and Supported: Aboriginal and Torres Strait Islander First Action Plan 2023-2026* (Aboriginal and Torres Strait Islander First Action Plan) (the Action Plans).

Safe and Supported, the Action Plans and this Partnership Agreement recognise that progressive systems transformation is needed, placing Aboriginal and Torres Strait Islander self-determination at the centre of policy and system design and decision-making, including implementation, monitoring, evaluation and oversight.

We acknowledge the important role of Aboriginal and Torres Strait Islander expertise and leadership, in achieving improved outcomes for Aboriginal and Torres Strait Islander children and families. This new, formal Partnership Agreement outlines the Parties' commitment to fundamentally changing the way governments and Aboriginal and Torres Strait Islander people work together to achieve outcomes.

**Professor Megan Davis (Foreword for Family is Culture)<sup>7</sup>**

*"The right to self-determination is not about the state working with our people, in partnership. It is about finding agreed ways that Aboriginal people and their communities can have control over their own lives and have a collective say in the future well being of their children and young people."*

The Parties recognise this partnership will evolve and mature over the implementation of the Partnership Agreement as relationships between governments and Aboriginal and Torres Strait Islander Peoples are reframed and strengthened, including but not limited to work in self-determination and potential treaty efforts in jurisdictions as they progress.

This Partnership Agreement covers the implementation period of the First Action Plan and the Aboriginal and Torres Strait Islander First Action Plan (see Section 6 for more information).

This Partnership Agreement embeds a formal partnership between governments and the Leadership Group throughout the life of the Action Plans, which are living documents. Together with governments, the Leadership Group will lead the ongoing implementation and monitoring of Safe and Supported, including promoting the right of Aboriginal and Torres Strait Islander peoples to exercise self-determination, autonomy and self-governance in the care and protection of their children.

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<sup>7</sup> 2019 Family is Culture report (Independent Review of Aboriginal Children and Young People in Out-of-Home Care in NSW) <https://www.dcj.nsw.gov.au/children-and-families/family-is-culture/independent-review/media/independent-review-of-aboriginal-children-young-people-in-oohc.html>



## 1. Purpose

### 1.1. The purpose of this Partnership Agreement is to:

- 1.1.1. formally acknowledge the partnership between the Leadership Group, the Commonwealth and state and territory governments that will enable Aboriginal Torres Strait Islander leadership for Safe and Supported
- 1.1.2. affirm that the Leadership Group will share decision-making with governments on issues affecting Aboriginal and Torres Strait Islander children, young people and families in implementing the Action Plans under Safe and Supported, in line with Clause 32 of Closing the Gap, including by providing expertise and guidance to ensure Safe and Supported can achieve agreed outcomes for Aboriginal and Torres Strait Islander children
- 1.1.3. share accountability across all Parties in working towards ensuring all children and young people in Australia have their right to grow up safe, connected and supported in family, community and culture realised
- 1.1.4. ensure all Parties are committed to fully implementing the Partnership Agreement in a transparent, consultative, and accountable manner. Whilst Parties acknowledge the provisions of this Partnership Agreement are not legally enforceable, this does not lessen the Parties' commitment to this Agreement
- 1.1.5. formally acknowledge that all parties are committed to accountability in implementing and measuring progress of the Action Plans under Safe and Supported.

## 2. Objectives

### 2.1. The objectives of this Partnership Agreement are to:

- 2.1.1. transform relationships between governments and Aboriginal and Torres Strait Islander peoples and work together to achieve Closing the Gap Target 12
- 2.1.2. transform existing systems to develop systems for child safety and wellbeing, grounded in self-determination of Aboriginal and Torres Strait Islander peoples and in doing so, align with Closing the Gap Priority Reform One: Advance Aboriginal and Torres Strait Islander involvement, engagement and autonomy through recognising the equal authority of Aboriginal and Torres Strait Islander governance bodies in decision-making with government
- 2.1.3. achieve outcomes under Safe and Supported, with particular reference to the Aboriginal and Torres Strait Islander Outcomes Framework and the Action Plans
- 2.1.4. drive action towards Active Efforts to achieve the full implementation of all five elements of the Aboriginal and Torres Strait Islander Child Placement Principle (ATSICPP)
- 2.1.5. achieve safety and wellbeing outcomes for all 4 priority groups under Safe and Supported.




### 3. Roles and Responsibilities

#### 3.1. The role of the Leadership Group is to:

- 3.1.1. provide leadership in promoting the safety and wellbeing of Aboriginal and Torres Strait Islander children, families and communities
- 3.1.2. engage in shared decision-making alongside governments to oversee implementation of Safe and Supported, the Action Plans, and the Monitoring and Evaluation Strategy
- 3.1.3. contribute expert Aboriginal and Torres Strait Islander knowledge and perspectives and provide input on the implementation of the Action Plans and on the development and implementation of the Monitoring and Evaluation Strategy
- 3.1.4. progress realisation of Aboriginal and Torres Strait Islander self-determination in the design and administration of systems that impact the lives of Aboriginal and Torres Strait Islander children and families
- 3.1.5. support consultation and engagement with Aboriginal and Torres Strait Islander communities, leaders and other stakeholders across the country (where required and where appropriately resourced) including drawing on and seeking the views of children, families and communities, in addition to Aboriginal and Torres Strait Islander Community-Controlled organisations (ACCOS)
- 3.1.6. in partnership with governments, lead ongoing monitoring and evaluation of Safe and Supported (as agreed in the Monitoring and Evaluation Strategy) and make shared decisions on adjustments to the implementation of actions under the Action Plans.

#### 3.2. Aboriginal and Torres Strait Islander Commissioners, Guardians and Advocates

- 3.2.1. Aboriginal and Torres Strait Islander Commissioners, Guardians and Advocates for Children and Young People and similar/related positions that are members of the Leadership Group sit in the governance and decision-making for Safe and Supported. Aboriginal and Torres Strait Islander Commissioners, Guardians and Advocates are recognised for their important role in providing advocacy, oversight, expertise and leadership, whilst retaining their independence
- 3.2.2. Aboriginal and Torres Strait Islander Commissioners, Guardians and Advocates provide a voice for Aboriginal and Torres Strait Islander children and influence decision-making. For this purpose, they must have access to all meetings and papers provided to members for the purpose of any meeting and are invited to raise issues and make representations consistent with their mandate
- 3.2.3. Despite clause 3.1, this means that responsibilities 3.1.2 and 3.1.6 of the Leadership Group apply differently to Aboriginal and Torres Strait Islander Commissioners, Guardians and Advocates, as they will inform the shared decision-making responsibilities but not be considered parties to the decisions made
- 3.2.4. All other roles and responsibilities of the Leadership Group apply to Aboriginal and Torres Strait Islander Commissioners, Guardians and Advocates in so far as they do not involve being party to decisions that would interfere with their independence as oversight bodies.




3.3. The role of governments is to:

- 3.3.1. provide leadership in improving the wellbeing of Australia’s children, families and communities
- 3.3.2. partner with the Leadership Group in the implementation of the First Action Plan and the Aboriginal and Torres Strait Islander First Action Plan
- 3.3.3. implement and maintain the Action Plans’ governance structure that embeds formal partnership and shared decision-making (Priority Reform One of the National Agreement on Closing the Gap) between the Leadership Group and governments, and in recognising the existing power imbalances inherent in government systems the Parties will work to transform these systems and remove structural barriers in line with Closing the Gap
- 3.3.4. partner with the Leadership Group in the development and implementation of the Monitoring and Evaluation Strategy for Safe and Supported
- 3.3.5. actively advocate and work across jurisdictions and portfolios to enable holistic and coordinated consideration of the priorities in Safe and Supported
- 3.3.6. partner with the Leadership Group and/or state and territory based Aboriginal and Torres Strait Islander leadership in the implementation of Aboriginal and Torres Strait Islander community-led commissioning measures to increase local control over decision-making over programs and resources to Aboriginal and Torres Strait Islander communities
- 3.3.7. partner with the Leadership Group in the implementation of funding prioritisation policies that require decisions about the provision of services to Aboriginal and Torres Strait Islander people and communities, Aboriginal and Torres Strait Islander community-controlled organisations and other Aboriginal and Torres Strait Islander organisations
- 3.3.8. partner with the Leadership Group to allocate a meaningful proportion of new funding initiatives to Aboriginal and Torres Strait Islander children, families and communities, through ACCOs and community-led processes. A meaningful proportion<sup>8</sup> is an amount which takes into account the number and capacity of Aboriginal and Torres Strait Islander organisations, particularly the existing community-controlled sectors and the service demands of Aboriginal and Torres Strait Islander people, including through the views of Aboriginal and Torres Strait Islander community-controlled peaks organisations in the relevant jurisdiction
- 3.3.9. ensure accountability for upholding a systematic, consistent and transparent approach to resourcing and commissioning processes for the implementation of Safe and Supported
- 3.3.10. partner with the Leadership Group to reform funding models and procurement policies to direct proportionate funding and address systemic barriers to support the growth of the ACCO sector, to ensure it is funded in line with the level of system representation and community need
- 3.3.11. work to ensure a diversity of Aboriginal and Torres Strait Islander voices are heard, respected and responded to.

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<sup>8</sup> [Closing the Gap – [Clause 55b](#)]





3.3.12. commit to ensuring:

- 3.3.12.1. shared decision-making by consensus, where the voices of Aboriginal and Torres Strait Islander representatives hold as much weight as the governments
- 3.3.12.2. that all Parties have authority to put forward papers and proposals for consideration
- 3.3.12.3. that all Parties have sufficient time to consider papers and proposals put forward, and to consult with community, Aboriginal Community Controlled Organisations, relevant stakeholders and organisations to ensure appropriate reporting.


#### **4. Strong partnership elements**

- 4.1. The Parties agree that strong partnerships are accountable and representative, and are between:
  - 4.1.1. Aboriginal and Torres Strait Islander peoples, where participation in decision-making is undertaken by Aboriginal and Torres Strait Islander people appointed by Aboriginal and Torres Strait Islander peoples in a transparent way, based on their own structures and where they are accountable to their own communities and institutions
  - 4.1.2. governments, through their duly appointed representatives, where they have negotiating and shared decision-making authority relevant to the implementation of Safe and Supported
  - 4.1.3. other parties as agreed by the Aboriginal and Torres Strait Islander representatives and governments.
- 4.2. The Parties agree that they will have particular regard to the strong partnership elements outlined in Clause 32 of Closing the Gap.

#### **5. Interactions with other National Initiatives**

- 5.1. The Partnership Agreement acknowledges that governments' accountability for children is shared across different portfolios and jurisdictions, and that a siloed approach negatively affects outcomes for Aboriginal and Torres Strait Islander children, families and communities
- 5.2. In particular, Parties commit to co-ordinating and aligning with Commonwealth and jurisdictional initiatives which support more holistic responses to children and families across relevant disciplines and sectors, including family and domestic violence, mental health, housing and disability, and other matters that may be considered to be in scope
- 5.3. This includes significant alignment between Safe and Supported and the Early Childhood Care and Development Policy Partnership (ECCDPP), which includes achieving Closing the Gap Target 12



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- 5.4. Careful consideration will be made to ensure that Safe and Supported and ECCDPP governance structures are complementary and work towards shared aspirations, noting that Safe and Supported governance structures will have decision-making and implementation ownership of Safe and Supported actions, unless otherwise agreed
  - 5.5. The referral of matters between Safe and Supported governance, ECCDPP and other related portfolio areas will occur by mutual agreement between the parties to this agreement to ensure a holistic approach. This includes invitation to relevant meetings to promote a holistic approach to relevant agenda items, particularly where cross portfolio input is required
  - 5.6. Where possible, Parties should rely on existing governance structures, including existing jurisdictional and regional arrangements to progress the referral of matters.

## **6. Partnership Agreement timeframe, status and review considerations**


- 6.1. This Partnership Agreement covers the implementation period of the First Action Plan and the Aboriginal and Torres Strait Islander First Action Plan including any evaluation activities. At the conclusion of the Action Plans, the Parties will review and consider whether a new Partnership Agreement be created or the existing Partnership Agreement be updated or extended. This is to recognise that the context of the families and children space and its inter-related socio-political environment may have changed
- 6.2. The Parties agree that this Partnership Agreement may only be amended at any time by agreement in writing by all the Parties, including to reflect emerging priorities, Action Plan implementation progress and feedback from the Leadership Group and governments
- 6.3. The Parties agree that, upon signing, this Partnership Agreement will be published and will remain publicly available, including reflecting any future changes.

## **7. Resourcing<sup>9</sup>**

- 7.1. The Parties recognise that adequate resourcing is needed to enable this Partnership Agreement, including enabling the Aboriginal and Torres Strait Islander Leadership Group to:
  - 7.1.1. engage independent policy advice
  - 7.1.2. meet independently of governments to determine their own policy positions
  - 7.1.3. engage with and seek advice from Aboriginal and Torres Strait Islander people from all relevant groups within affected communities, including but not limited to Elders, Traditional Owners (both formally and non-formally recognised), Native Title Holders and those with Cultural Authority.

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<sup>9</sup> [Closing the Gap – [Clause 33](#)]



## 8. Conflict of Interest

- 8.1. Where the Parties work in partnership under the Partnership Agreement, governments and the Leadership Group must declare any actual or perceived conflict of interest at the outset, or as it arises throughout the process.

## 9. Dispute resolution mechanisms

- 9.1. The Parties will make decisions via consensus, wherever possible. In circumstances where consensus cannot be reached, the co-chairs of the Senior Oversight Committee will determine additional action required to be able to resolve the matter
- 9.2. The Parties will endeavour in the spirit of co-operation, good faith, and mutual trust, to resolve all difficulties or misunderstandings with respect to this Partnership Agreement and alignment with the existing governance structure for Safe and Supported
- 9.3. The Parties will attempt to resolve all disputes in the first instance with minimal conflict and without unnecessary formality by listening to the other parties' views, through yarning, phone calls, informal meetings or workshops, towards arriving at agreement
- 9.4. If resolution cannot be achieved, in line with the Safe and Supported governance structure, the Shared Decision Making Committee will have final authority on any disputes that arise in other decision-making bodies
- 9.5. Any Party may terminate their participation in this Partnership Agreement at any time by notifying all the other Parties in writing, following best endeavours to first resolve any matters with other Parties.



## Appendix A – glossary

### Shared decision-making

Decision-making is shared between governments and Aboriginal and Torres Strait Islander peoples. Shared decision-making is:

- by consensus, where the voices of Aboriginal and Torres Strait Islander parties hold as much weight as the governments
- 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
- where Aboriginal and Torres Strait Islander representatives can speak without fear of reprisals or repercussions
- where a wide variety of groups of Aboriginal and Torres Strait Islander people, including women, young people, Elders, and Aboriginal and Torres Strait Islander people with a disability can have their voice heard
- where self-determination is supported, and Aboriginal and Torres Strait Islander lived experience is understood and respected
- where relevant funding for programs and services align with jointly agreed community priorities, noting governments retain accountability for funding decisions
- where partnership parties have access to the same confidential data and secure information, in an easily accessible and confidential format, on which any decisions are made, and in line with existing commonwealth, state and territory legislation and/ or policy.

### Self determination

Self determination is a collective right of Aboriginal and Torres Strait Islander peoples to determine and control their own destiny. It is a right of Aboriginal and Torres Strait Islander peoples to exercise autonomy in their own affairs and to maintain and strengthen distinct political, legal, economic, social and cultural institutions.

### United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

Article 3 – Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4 - Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 5 - Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.



