

Standing Committee on Public Accounts and Administration
ACT Legislative Assembly
GPO Box 1020
Canberra ACT 2601
LACommitteePAA@parliament.act.gov.au

18 September 2025

Dear Committee,

RE: Inquiry into Public Sector (Closing the Gap) Amendment Bill 2025

The ACT Council of Social Service (ACTCOSS) appreciates the opportunity to contribute to the *Inquiry into Public Sector (Closing the Gap) Amendment Bill 2025*. ACTCOSS is the peak body for the community sector in the ACT. We advocate for social justice and represent not-for-profit community organisations. Our member base includes Aboriginal Community-Controlled Organisations that provide services and/or advocate for Aboriginal and Torres Strait Islander peoples in the ACT. Self-determination for Aboriginal and Torres Strait Islander people is a core value for ACTCOSS.

ACTCOSS is not an Aboriginal Community Controlled Organisation (ACCO), and this submission has been prepared by non-Aboriginal people in consultation with our executive team, which includes the Head of the Gulanga Program, a Traditional Custodian of Larrakia Country. In supporting Aboriginal and Torres Strait Islander determination, ACTCOSS continues to be guided by the Aboriginal and Torres Strait Islander Elected Body (ATSIEB; The Elected Body), Ngunnawal Elders, the ACT's existing ACCOs and the broader community of Aboriginal and Torres Strait Islander people with connections to the lands of the ACT and region.

This submission broadly supports the Amendment Bill. Our primary recommendation to the committee is to proceed with the Bill and carefully monitor implementation to ensure the intent of the Bill is realised.

1 – Policy intent

In recent decades the ACT has made steps to recognise the right of Aboriginal and Torres Strait Islander peoples to self-determination through its policy and legislation. The *Aboriginal and Torres Strait Islander Agreement 2019 – 2028* explicitly acknowledges Aboriginal and Torres Strait Islander people as Australia's First Peoples and affirms their right to self-determination.¹ Nearly two decades ago, the *Aboriginal and Torres Strait Islander Elected Body Bill 2008* was unanimously passed in the Assembly. As described on the Legislative Assembly website, this law “recognises the rights of Aboriginal and Torres Strait Islander people to freely determine their political status and freely pursue their economic, social and cultural development in line with the right to self-determination.”²

Members of the Elected Body, both past and present, alongside Ngunnawal Elders and Aboriginal and Torres Strait Islander community leaders have expressed strong support of the *Public Sector (Closing the Gap) Legislation Amendment Bill 2025*, as outlined in an open letter to the Assembly.³ In this context, the Elected Body's recommendation to pass the Bill is not just a policy suggestion – it is an expression of the leadership role already recognised in ACT law. By listening to and acting on this advice, the Assembly has the opportunity to give meaningful effect to its own commitments. Passing the Bill would not only support self-determination in principle but demonstrate it in practice.

2 – Annual Reporting

Progress on Closing the Gap has been much slower than it should be, with a number of indicators worsening or failing to improve.⁴ Part two of this Bill would require that Government agencies report on Closing the Gap progress in their annual reports. Clearer reporting is not a panacea. However, it does ensure greater transparency and attention to the responsibilities of Government agencies in their work to Close the Gap. It is both appropriate and helpful to improve reporting on Closing the Gap reforms.

The proposed subsection 3(b), which gives the Elected Body a formal say in the form of reporting, is an important addition in this Bill. The Elected Body is best placed to guide the Government on how to report in a way that is transparent to the Aboriginal and Torres Strait Islander community of the ACT.

3 – Changes in public sector management

Improving cultural capability in the public sector is critical to improving Closing the Gap outcomes. Inadequate cultural capability in the public sector inhibits effective policy development and can make service delivery feel culturally unsafe for Aboriginal and Torres Strait Islander people.⁵ Recent research on the topic highlights that institutional whiteness is the biggest barrier to developing cultural capability⁶ and that more work is needed to

¹ ACT Government & ACT Aboriginal and Torres Strait Islander Elected Body (2019) [*ACT Aboriginal and Torres Strait Islander Agreement 2019-2028*](#), pg 1.

² Legislative Assembly for the Australian Capital Territory, [*First Australians and the Assembly \(Factsheet\)*](#).

³ Thomas Emerson MLA (2025) [*Open letter in support of the Closing the Gap Bill*](#), 4 August 2025.

⁴ Productivity Commission (2025) *Closing the Gap: Annual Data Compilation Report*, July 2025, Canberra

⁵ Bargallie D (2020), *Unmasking the racial contract: Indigenous voices on racism in the Australian public service*. University of Queensland Press, St Lucia.

⁶ Conway (2023) *Public Administration in Blak and White: Uplifting Cultural Capability in the Australian Public Service*. Thesis submitted for the degree of Doctor of Philosophy at the Australian National University.

eliminate institutional racism. The evidence suggests cultural capability requires a focus on the institutions of the state, framed around the question 'how do we stop driving the mob away?'⁷

The idea presented in part three of this Bill, that public servants be required to demonstrate cultural capability, is important to this vision of a culturally capable and safe ACT public service. The ACT does a significant amount of work on cultural capability through the presence of Aboriginal cultural advisors and the development of cultural competency through education and recruitment programs.⁸ Further embedding these principles with guidance from the Elected Body is a helpful step to ensuring that Aboriginal and Torres Strait Islander peoples feel culturally safe working in or with the public sector. It is critical that this onus on public servants is implemented in a way that does not increase the colonial load or expectations on Aboriginal and Torres Strait Islander government employees. Indeed, it should have the opposite effect.

We commend the principle and advise the ACT government and public sector to work closely and carefully with Aboriginal and Torres Strait Islander peoples on the implementation to ensure that the policy change reflects its intent.

Further engagement

ACTCOSS would welcome the opportunity to engage further with the ACT Government and other stakeholders in the inquiry.

If you would like to discuss any of the issues raised in this feedback please contact Ms Jenny Sandilands, Head of Policy at ACTCOSS, at jenny.sandilands@actcoss.org.au or on (02) 6202 7200.

Yours sincerely

A handwritten signature in blue ink that reads 'Devin Bowles'.

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⁷ Ibid, 63; we suggest Lisa Conway's award-winning thesis ought to be read and deeply considered by everyone making decisions about cultural capability.

⁸ ACT Government (2024) State of the Service Report, Canberra.