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28<sup>th</sup> August, 2021

By email: [pac@nt.gov.au](mailto:pac@nt.gov.au)

Dear Mr Bowden and Committee Members

Nganyatjarra Pitjantjatjara Yankunytjatjara Empowered Communities (NPY EC) and North East Arnhem Land Empowered Communities are pleased to provide this joint submission (letter and attachment) to the Public Accounts Committee to assist its Inquiry into the Northern Territory Government's Local Decision Making.

This submission points to the opportunity to seek better alignment wherever possible between our Indigenous-led Empowered Communities and the Northern Territory Government's Local Decision-making. Further, with the development of the National and regional Voices our Empowered Communities' regions will look to 'fold into' the new agreed Voice arrangements once established. To this end, we note that many of the principles, and indeed features of Empowered Communities were included in the Interim Design Report for the Voice. We have attached the National EC submission to the National Co-design of 'the Voice'.

NEAL EC and NPY EC are two of ten Empowered Communities' remote, regional and urban regions spread across Australia. Apart from NEAL and the tristate NPY region, others include the West and East Kimberley (WA), Cape York (Qld), Central Coast (NSW), Inner Sydney (NSW), Goulburn Murray (Victoria) Far West Coast (SA) and Ngarrindjeri (SA).

Empowered Communities is an Indigenous-led initiative. Indigenous leaders from NEAL and NPY came together with leaders from the other EC regions in 2013 to design a new way of working with government to lead reform and build transformational change. Bipartisan support was achieved for this work, as well as support from the Business Council of Australia. The Design Report was provided to Prime Minister Abbott in early 2015. The Design Report can be found on our national website at:

<https://empoweredcommunities.org.au/wp-content/uploads/2018/04/EC-Report.pdf>.

In 2015, Prime Minister Turnbull agreed to support regional elements of the design report, including multi-year funding for backbone organisations across all EC regions and a partnership between the Commonwealth Government and Empowered Communities centred on EC regions across the country.

The Empowered Communities model has a policy goal of closing the gap underpinned by a framework of principles - empowerment, development and productivity with Indigenous leadership and decision-making taken as closely as possible by individuals and families at the local and regional level.

Under the EC model, each EC region has established governance arrangements involving alliances or partnerships of Indigenous organisations and is building a regional development agenda and investment

strategy aimed at closing the gap based on regional and local priorities and planning driven by Aboriginal people. Each region has in place or is finalising a Local Partnership Agreement with the National Indigenous Australian's Agency (Australian Government), supported by a small-scale backbone or secretariat working to a group of local Aboriginal leaders.

A key feature of the Empowered Communities model involves Joint Decision-Making (JDM) with the National Indigenous Australian's Agency on the allocation of elements of Indigenous Advancement Strategy funding in our EC regions. For example, in the NPY EC region this has resulted in JDM over the last three years involving the allocation of nearly \$20m in IAS funding and close to \$100m nationally. This is intended as a step towards the development of regional investment strategies.

Empowered Communities is an Indigenous designed and led approach to regional and local place-based planning, agenda setting, regional investment, development and organisation. This contrasts to the NT Government's Local Decision-making which is a government driven policy and program approach designed to involve community decision-making in provision of services to the community.

An example of an Empowered Communities' Regional Development Agenda is the NPY EC Regional Development Roadmap:

[http://www.npyec.org.au/uploads/1/0/5/7/105789899/npy\\_regional\\_develop\\_roadmap\\_july\\_2020\\_web.pdf](http://www.npyec.org.au/uploads/1/0/5/7/105789899/npy_regional_develop_roadmap_july_2020_web.pdf)

#### **Local Decision-making in the Northern Territory**

NPY EC and NEAL EC welcomes the opportunity that LDM potentially brings to the NPY EC and NEAL EC regions in the Northern Territory. To date, our view is that the implementation of LDM has not maximised the opportunities that EC and LDM working together might bring.

The NPY and NEAL EC regions seek to better align EC and LDM approaches to:

- leverage, open up and maximise the opportunities for Aboriginal people in the Northern Territory part of the NPY tri-state region and North East Arnhem Land,
- bring the Northern Territory Government to the table with Empowered Communities as a partner and participate in the partnership tables or 'meeting places' established between EC and the Commonwealth Government,
- have the NT Government share data about the NT Government's expenditure and investment in the NPY EC and NEAL EC regions,
- have the NT Government participate in Joint Decision-Making on NT Government funding, investment and grants across the two EC regions in the Northern Territory, leading to the development of regional investment strategies based on regional and local priorities, and
- commit NTG funds and resources to back the capability building across communities required to effectively deliver LDM and within government to be responsive and innovative with communities.

NPY EC can advise you that after approximately two years of negotiations, the NT Government, through the Office of Aboriginal Affairs, has agreed to sign up in the near future to a Statement of Intent with NPY EC to build a partnership, acknowledging the Empowered Communities and Local Decision-Making approaches. For the NPY EC region, this has been a process of slow engagement and uncertainty in decision-making within the NT Chief Minister and Cabinet's Department when faced with the Empowered Communities

approach. Greater flexibility in the decision-making, a willingness to innovate and stronger capability within the NTG about LDM would have produced a faster and more effective outcome.

Should the NEAL EC region seek to finalise a partnership with the NTG we would expect lessons learnt from the NPY EC negotiations with NTG will reveal a more flexible, more streamlined process and there is more capability within the bureaucracy to enter into a partnership on equal terms.

#### **Empowered Communities, LDM and the Voice**

EC is pleased that the Indigenous Voice Co-design Senior Advisory Group has submitted its final report to the Commonwealth Government. There were many features of the Interim Design report that have drawn on EC principles and the EC model. Empowered Communities nationally has responded to these and provided a detailed submission to the Voice co-design process (Attachment A).

Empowered Communities' work to date has focussed on three key policy areas: empowerment through structural reform and Indigenous agency, improving the productivity of investment and closing the gap on Indigenous disparity. A key section of this submission goes to the building of capability within governments. This approach provides the platform for which EC is proving to be so effective after seven years and provide valuable insights into how you approach Local Decision Making and the Voice in the NT.

Yours sincerely

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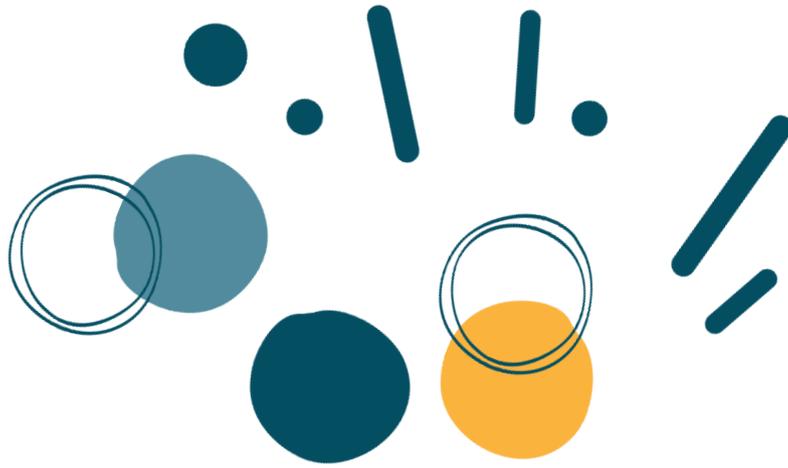
Liza Balmer, CEO, NPY Women's Council, Co-Chair, NPY EC Steering Committee

Mark Jackman, CEO, Regional Anangu Services Aboriginal Corporation, Co-chair, NPY EC Steering Committee

A handwritten signature in blue ink, appearing to read "M Jackman", written in a cursive style.

Denise Bowden, CEO Yothu Yindi Foundation, NEAL EC

A handwritten signature in black ink, appearing to read "D Bowden", written in a cursive style.



# Submission to the Indigenous Voice Co-Design Process: Interim Report to the Australian Government

When we have power over our destiny our children will flourish.  
They will walk in two worlds and their culture will be a gift to their  
country.

*Uluru Statement from the Heart*

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## ABOUT US

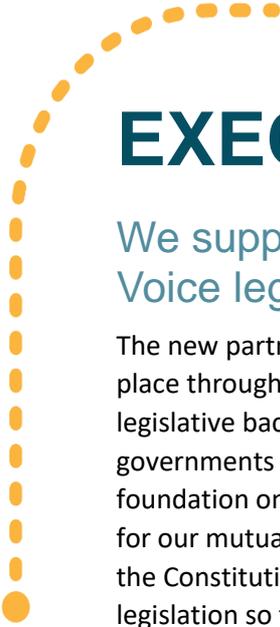
For more than five years Empowered Communities has pursued new ways of working on the ground with government. Empowered Communities has pursued transformational reforms that aim to empower communities by empowering people. It is Indigenous people themselves, those whose lives are directly affected, that should be empowered to have greater influence and control over the decisions that impact on their lives.

We are proud of the progress that we have made on our journey since 2013 when Indigenous leaders from eight remote, regional and urban areas first came together. We identified a common vision. We drafted a comprehensive set of transformational reforms to give our children the same opportunities and choices that other Australians expect for their children. We achieved broad bipartisan political support for Empowered Communities at the federal level and secured the government's agreement to work on the regional part of our agenda. We continue to work hard on implementation. We have had the Ngarrindjeri Ruwe and Far West Coast regions in South Australia join the initiative. We are optimistic about meeting the implementation challenges ahead given how much we have achieved together since 2013, and given the opportunities that lie ahead with the Voice.



### Our vision

“We want for our children the same opportunities and choices other Australians expect for their children. We want them to succeed in mainstream Australia, achieving educational success, prospering in the economy and living long, safe and healthy lives. We want them to retain their distinct cultures, languages and identities as peoples and to be recognised as Indigenous Australians.”



# EXECUTIVE SUMMARY

## We support Constitutional Recognition before the enactment of the Voice legislation

The new partnership that government and Indigenous Australians all agree is needed, cannot be put in place through policy support alone. Structural change, in the form of both constitutional recognition and legislative backing, is absolutely required to enable a partnership that can solve the problems that both governments and Indigenous people agree need solving, including closing the gap. We need an immutable foundation on which to build a 21st century partnership between government and Australia's First Peoples for our mutual advantage. We cannot build such a partnership on basis of the old racist section 51(xxvi) of the Constitution. Once constitutional recognition is achieved, details of the Voice can be enacted in legislation so that changes to the model can be made from time to time as required.

## Structural reform through Productivity Council

The new approach must ensure better returns from investment over time on the money spent in our name as Indigenous Australians. It can do so by ensuring a productivity lens is placed over all policy, program and funding decisions. Empowered Communities reforms have provided important 'proof of concept' in this area. Yet in addition to Joint Decision Making (JDM) for ceasing Indigenous Advancement Strategy (IAS) grants, which has been successful innovation under Empowered Communities, there are many more opportunities to improve productivity. A Productivity Council embedded in the Voice architecture will be vital to fully realise the opportunity for productivity gains.

## Our Voices must be heard from the ground up

The Voice reforms present a huge opportunity—one that can benefit all Australians if it is seized—to put in place a partnership framework that connects four key policy pieces:

1. Recognition of Indigenous Voices
2. Empowerment through Structural Reforms and Indigenous Agency
3. Improving the Productivity of Investment
4. Closing the Gap.

It can be the cornerstone to bring all key parties together in partnership, including the Australian and state/territory governments and First Nations people through the National Voice and Local and Regional Voices, so we can work together in an enduring way to close the gap.

Structurally linked membership from Local and Regional Voices to the National Voice will ensure there is continuity from the grassroots to the national level, and that people who are committed to and understand the agreed local and regional agendas can carry this agenda through to the state/territory and National Voice levels. Only people who have consistently contributed to the hard work on the ground should be eligible for nomination and selection to the state/territory Voice, and to the National Voice. Further, National Voice members should play the role of Ambassador not politician—it is their role to influence the decisions of government in support of the local and regional agendas developed through Local and Regional Voices.

Our Empowered Communities experience has left us with no doubt as to the importance of Tripartite Partnership Interfaces formally established in legislation, as these will provide the key structural mechanism through which partnerships are negotiated and agreed at the local and regional levels. Tripartite Partnership Interfaces will structurally bring together Indigenous people through their empowering governance and Voice arrangements, the Commonwealth Government, and state/territory/local government/s, to empower and develop the region and its constituent communities to close the gap.

## The Voice must enable a better footprint in regions

Empowered Communities supports a membership of around 35 Ambassadors to the National Voice, so that each region is directly represented, and the Voice enables empowerment of local and regional voices as is intended. Capping the number of Local and Regional Voices at around the upper limit set out in the Interim Report of 35, will ensure that regions are not forced together where there is no natural affiliation. The proposal for 16 or 18 members to the National Voice is too low, and will create conflicts and difficulties that will delay progress, preventing the kinds of outcomes and productivity gains we hope to see under the Voice. The uneven distribution of population and of need across Australia means that not providing direct representation of each region at the national level is inherently problematic. The number of Ambassadors should be around 35, so each region is directly represented.

The establishment and formal recognition of regions to come into the Voice will necessarily require a phased approach over time, based on readiness and learning as we go. Empowered Communities regions have begun to think about their pathways to transition under the Local and Regional Voice arrangements, and these vary according to context. For example:

- North East Arnhem Land’s model will reflect Yolngu law and strong cultural leadership of the Dilak Council.
- The new Pama Futures model in Cape York has been developed over a number of years and provides a strong foundation from which it can continue to evolve to meet the requirements of the principles-based framework set out in the Interim Report.

Given that the entire purpose of the Local and Regional Voice is to build a new partnership and shared decision making with government, Empowered Communities supports the joint assessment approach for formal recognition of regions. This means regions begin working with government from the outset as they mean to go on—through sharing responsibility for decision making about regional recognition.

The Interim Report includes ‘proposed minimum expectations’ for governments and their Indigenous partners under the Local and Regional Voice arrangements, but this is one of our areas of greatest concern. This is an area that will require an ongoing focus in the lead up to the transition period, during the transition, and beyond. Again, a phased approach is required and this will move at a faster pace in some regions than others. There will be a great deal of effort, leadership and engagement required to ensure the 35 Local and Regional Voices provide a genuine grounded partnership model. More work must be done to unpack and communicate different approaches, practice tools and frameworks that can be used in on the ground partnership practice, and this is an area we believe requires urgent attention so that Local and Regional Voices are set up for implementation success.

In this submission we set out details we see as vital beyond the 'minimum expectations' outlined in the report for government and for Local and Regional Voices including in the areas of:

- capability building required
- commitment to secure funding for Backbone organisations
- place-based investment and pooled funding
- a shift to an enabling role for governments
- Indigenous access to data
- monitoring, evaluation, learning and adaptation
- ongoing focus on driving implementation.



# INTRODUCTION

## The need for Constitutional Recognition

Putting in place a new partnership structure between the Crown and Australia’s First Peoples through the Voice, has the potential to be amongst the most significant nation building activities this country has yet undertaken. As Aboriginal and Torres Strait Islander people, we simply cannot achieve social, economic or cultural wellbeing on the assimilationist terms that have dominated our relationship with the Crown since colonisation. Nor can we simply revert to our ancient forms of governance. The task before us is to locate what Yolngu leader Galarrwuy Yunupingu described as “a modern version of ourselves”. Constitutional recognition and the Voice will create the space needed within existing structures of power, for us to work together to do exactly that.

Across Indigenous Australia there is a clear and shared vision of where we must get to, although we may have different views about the steps we should take to get from here to there. In *Empowered Communities* it is our view that once the details of the model are settled in draft legislation, constitutional recognition must then ensure the existence of the Voice and provide a new basis for the Voice legislation to be enacted.

It is important to get the design and operational model of the Voice right at all levels, including national, local and regional, and it is also crucial that model can be adapted as we go. We want the details of the Voice model set out in legislation that is to be a living law, able to be amended and evolved as we learn. We cannot risk, however, that a legislated Voice is all that will be put in place, and that the question of constitutional recognition is left unanswered. A new constitutional basis is needed for the living law of the Voice—we cannot use the old racist section 51(xxvi) of the Constitution as the basis on which to build an immutable and mutually beneficial 21st century partnership between government and Australia’s First Peoples. Constitutional recognition to guarantee the existence of the Voice will provide the essential scaffolding and long term security needed, so changes can be made to the details of the Voice model set out in legislation when required and we can proceed without fear of Voice’s abolition when a government changes hands into the future.

The question of recognition of our First Peoples in the country’s founding document will not simply go away. If it is not addressed, it will only continue to gather momentum. It will continue to mark our country and hold the nation back for as long as it remains. On the other hand, a true partnership will result in transformative changes on both sides of the partnership, for our mutual advantage. We only need to look to New Zealand to see benefit flowing to all citizens of that nation, whether they are indigenous or not, through building a strong partnership based on cultural embrace.

## Our experience over the last five years

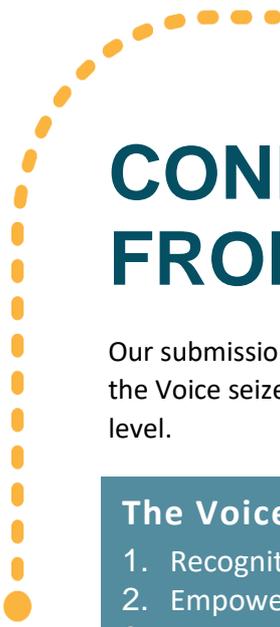
Our view has been formed because of our experience working on the ground on very fundamental things like getting kids to school and ready to learn, creating jobs for our people, and keeping our communities safe. We need a new partnership built on constitutional recognition and the Voice to move Indigenous Australians from outside of power to a place at the table of power—giving us a voice in decisions made about us. We need to do this, not as a concession to contemporary notions of social justice, but because it is an entirely rational and necessary approach, as there are problems that Indigenous Australians and government agree we must solve together.

Empowered Communities has experienced firsthand the struggle to make changes happen on the ground with only high-level policy support from the Australian Government. We were able to proceed with key reforms to share power and responsibility for the first time at the local and regional level, because we had the backing of the Minister for Indigenous Affairs and we relied on this to move forward. The tangible success achieved by Empowered Communities is a precious thing, yet the important ground we have forged remains far too fragile, and there is much left to do. Within Empowered Communities we have struggled to bring states and territories into a joined-up approach for shared decision making with the Commonwealth. This must change if we are to work in an effective and efficient partnership. The Voice can put in place all the new architecture needed—to create an intelligent and dynamic system across the nation, connecting state/territory and Commonwealth governments, and through which local and regional First Nations partnerships can close the gap from the ground through to the national level.

## The Interim Report

The Interim Report plays an important and positive part in advancing the aspirations of the *Uluru Statement from the Heart*. It sets out details of a model for a Voice to Parliament and government and invites all Australians to comment and contribute ahead of any decision on the form of the Voice. We note this step is consistent with the November 2018 report of the Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander People, co-chaired by Senator Patrick Dodson and Julian Leeser MP. The report recommended co-design as a first stage, with the Australian Government then to consider in a deliberate and timely manner, legislative, executive and constitutional options to establish the Voice. The Liberal Party's policy platform ahead of the May 2019 Federal Election supported the Joint Select Committee's recommendations, committed \$7.3 million for the co-design process and set aside \$160M to hold a referendum once more work was done on the model. The Prime Minister, in his Closing the Gap speech in February 2020, reiterated the Government's election policy commitment.

In the spirit of these commitments, we make this submission to the co-design process. Empowered Communities will 'fold in' to the Voice structures and approach once established. Our lived experience and lessons learnt can directly inform the details of the Indigenous Voice design and help ensure it provides the practical empowerment needed, to solve problems in partnership that both governments and Indigenous people agree need solving, including to close the gap. A number of us have participated as members of the co-design groups in an individual capacity, rather than representing Empowered Communities. This submission represents the collective views of our 10 Empowered Communities regions on issues raised in the Interim Report.



# CONNECTING THE POLICY PIECES FROM THE GROUND UP

Our submission focuses on insights from our Empowered Communities experience which can help ensure the Voice seizes the opportunity to connect four key policy themes from the ground up to the national level.

## The Voice provides the opportunity to connect four key policy pieces:

1. Recognition of Indigenous Voices
2. Empowerment through Structural Reforms and Indigenous Agency
3. Improving the Productivity of Investment
4. Closing the Gap on Indigenous disparity.

## 1. Recognition of Indigenous Voices

Under Empowered Communities, we have worked over the last five years and more to close the gap on Indigenous disparity in our regions and communities. We formed a working partnership with government on the ground to do this, without a guarantee of the broad structural and institutional reforms that we knew was ultimately needed for success. Under Empowered Communities, our pragmatic partnership has been based only on the Australian Government's high level policy commitment. We knew that without structural reform we would only get so far towards achieving our goals, and indeed the lack of structural reforms underpinning the Empowered Communities approach has very significantly impeded progress. It has been hard going.

Our work to date has focused on three key policy areas:

- **Empowerment** through structural reforms and Indigenous agency
- Improving the **productivity** of investment
- **Closing the Gap** on Indigenous disparity.

Constitutional recognition of an Indigenous Voice, supported with details set out in legislation, will provide the missing piece. In our experience pursuing a new partnership without putting in place structural reforms recognising Indigenous voices is not an approach that can be sustained.

The establishment of a structural model, scaffolded at the highest level through Constitutional recognition, stable beyond electoral changes, and bringing all key parties together in a united effort to close the gap—has been our aspiration since we submitted our *Empowered Communities Design Report* to all Australian governments in 2015. This aspiration is not unique to Empowered Communities—as demonstrated through the unprecedented dialogues process which resulted in the consensus reflected in the *Uluru Statement from the Heart*.

## 2. Empowerment through Structural Reforms and Indigenous Agency

Practical outcomes will improve when those facing problems are empowered to play an active role in solving them. Currently Indigenous Australians are almost totally dependent on governments of the day to

set priorities and make law, policy, program and service decisions that govern our fates and futures. It is not just a matter of Indigenous people taking responsibility, stepping up and taking charge of their own lives and futures. The structures that Indigenous people are trapped within have to be reformed. Closing the Gap on disparity will be achieved through a combination of structural reforms and Indigenous agency. The Voice reforms will support the practical actions of individuals, families and communities on the ground, so we can step up and take charge of our own lives and futures.

Both a National Voice and Local and Regional Voices are required to support an empowering partnership between Indigenous Australians and government. A National Voice is required to enable Indigenous people to have a direct say in the laws, policies and programs that affect us as the Commonwealth Government is making its decisions, and the same is true at the state/territory level. However, such advice alone from a Voice at the national level and state/territory levels will not be sufficient. Indigenous policy intent at the national and state/territory levels must connect with on the ground action to close the gap. The role of Local and Regional Voices is critical to empowerment, as this is where real change to people's lives will occur. Our aspiration under Empowered Communities, which reflects the Indigenous aspiration in general, is for authority and accountability to vest as locally as possible, consistent with the principle of subsidiarity.

Under Empowered Communities, shifts to an empowering approach have been fragile and hard won without structural and institutional change backed through legislation. We have had to rely on Australian Government policy support alone, and it has been largely left to the Indigenous side of the partnership to drive the implementation of changes at the local and regional level. Getting buy-in from government officers in our regions has been dependent on the vagaries of the various views, attitudes, capacities and capabilities of these different personnel. Even where we have had strong support from government personnel at the local and regional level, frequent changes in government personnel over the five or so years has meant starting over to build understanding and support when a new person becomes involved. Structural change provides the backing needed to build understanding and commitment far more consistently through government and is vital to putting in place the right authorising environment for change to occur.

While we have made some substantial progress with the Commonwealth, none of our Empowered Communities regions have been able to bring the state/territory level into the partnership effectively and consistently for a harmonious approach. At the state/territory level complementary structural reforms are needed to enable the power of Indigenous agency through one single, joined-up partnership approach under which both Commonwealth and state/territory governments engage using a single local/regional interface.

### 3. Improving the Productivity of Investment

Under an Indigenous Voice model, productivity must improve. There are substantial funding allocations spent in the name of Indigenous people, with too few results. Indigenous communities (urban, regional and remote) will be viable/sustainable when they achieve a high level of wellbeing with a low or acceptable level of support, rather than the current situation of a low level of wellbeing with a high and increasing level of externally controlled support.

Simply providing more funding will not close the gap. A great deal of public money never 'hits the ground' to benefit Indigenous individuals and families, but is absorbed within the bureaucratic 'maze' characterised by overlaps in roles and responsibilities, unclear lines of accountability and difficulties 'getting things done'. Put bluntly, the current top-down 'system' of governance, funding, policy and service delivery to close the gap on Indigenous disparity can be likened to a 'spray and pray' approach—action occurs, and substantial

resources are distributed, through a large disjointed array of centrally controlled administrative silos across all levels of government.

The new partnership approach must ensure better returns from investment over time on the money spent in our name as Indigenous Australians, by ensuring a productivity lens is placed over all policy, program and funding decisions. By involving all tiers of government and Indigenous people, the Voice model will align and streamline effort and resources, tackling the perennial problems of duplication.

Under Empowered Communities we have improved the productivity of some funding going into our regions. While we have not had the right model in place to do this at the scale that is required, Empowered Communities has demonstrated the potential for productivity improvements. Under the Voice, there is great opportunity to go beyond the Empowered Communities approach so that productivity benefits can be more fully realised.

## 4. Closing the Gap

For too long the Closing the Gap approach has been incoherent, inconsistent, inefficient and ineffective. It has failed to give Indigenous people a voice and agency in the decisions that affect us. While we all agree on the broad goals and targets of Closing the Gap, working out how to get there depends on local context and circumstances, and must involve a partnership with those on the ground who are in it for the long haul and can provide strategic continuity across time and changes of government.

Closing the Gap on Indigenous social and economic disadvantage will be a key policy agenda of the Voice. With the Voice in place the government can abandon the ineffective ‘business as usual’ approach under which its many arms merely inform or consult—this is not a genuine partnership approach. A real partnership approach shares power when it comes to decision making and also shares responsibility. The Voice and a shift to empowerment means that Closing the Gap successes and failures truly become the focus of shared decision making and shared responsibility between government and Indigenous Australians at a place-based level, as well as nationally.

The recent National Agreement for Closing the Gap released in July 2020 made an important step forward with Closing the Gap, through the work done by the coalition of Indigenous peak bodies (Coalition of Peaks) in partnership with Australian governments through COAG (now the National Cabinet), as part of the ‘refresh’ process. While there is a lack of clarity around some key aspects of implementation, it is positive that the Coalition of Peaks lobbied successfully for four priority reform areas to be incorporated, including shared decision making between governments and Indigenous people, and data access and transparency. Our concern, however, is that under the National Agreement for Closing the Gap the system remains largely top down, with most power in the hands of the jurisdictions. While the central involvement of the Coalition of Peaks is an improvement on not having any Indigenous involvement, these peak bodies typically work nationally, advocating for policy and funding for improved service delivery at that level. Without the Voice reforms to empower Aboriginal and Torres Strait Islander people at every level—nationally, and at the local and regional level—it is unclear how the new National Agreement will work effectively to close the gap. National and Regional and Local Voices are necessary to deliver on the promise of the National Agreement to Close the Gap.

Figure 1 shows a new harmonised partnership system under the Voice, connecting four key policies pieces from the ground up to the national level.

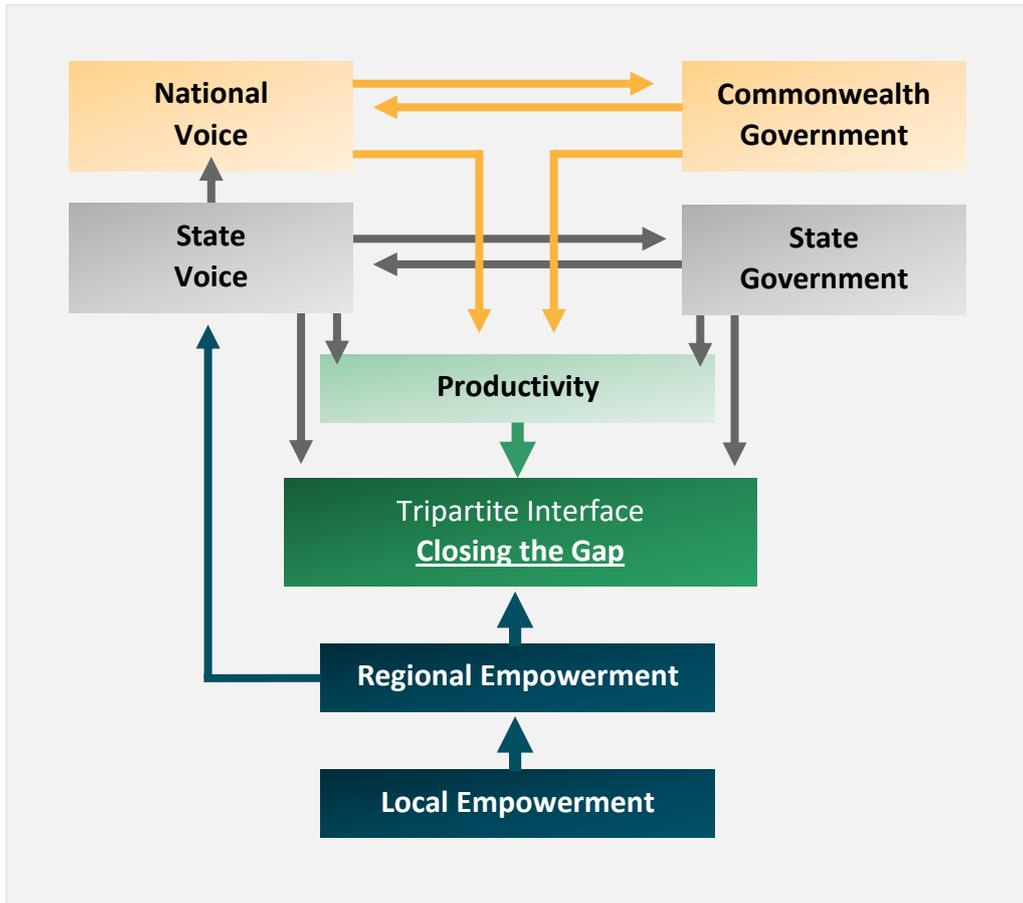


Figure 1. A cohesive partnership system can be put in place under the Voice, connecting the key policy pieces from the ground up to the national level

# NATIONAL VOICE

## Representation from the ground up to the national level

Practical outcomes will only improve when those on the ground are empowered to play an active role in solving the problems they face and seizing on the ground opportunities. Local and Regional Voices are vital. However, a simplistic approach to bottom-up policy making will not work. Indigenous people struggling in communities do not have all the answers to the complex issues they face. Ideas, knowledge and experience of governments and other regional and national Indigenous policy expertise is needed, just as local knowledge of context and circumstances is needed at the top. A new approach must articulate and mediate the bottom-up self-determination of local communities through to state and national policy advice and advocacy, and must articulate and mediate ideas, knowledge and experience both 'up' and 'down' throughout the system to increase overall capability so better outcomes are achieved.

Our Empowered Communities model is regionally and locally driven. However, we have seen first-hand why we need a National Voice, and voices at the state/territory levels. For example, there are huge investments going into our regions under national policy and programs centrally devised in Canberra, which are in desperate need of on the ground Indigenous input and influence to strengthen the approaches so they work—the poorly performing Community Development Program (CDP) and the Remote School Attendance Strategy (RSAS) are two stand out examples.

A National Voice is no less vital than Local and Regional Voices. Government must be able to work in partnership with a National Voice directly affiliated to and connected with local and regional voices. The National Voice must enable the independent voices of Indigenous Australians to be heard across the country by the Australian Government and its parliament—through providing a direct link to the experience, understanding, and agency of Indigenous Australians from regional and local communities.

### EC regions say...

If EC had progressed with a National Voice in place, we would have been able to achieve so much more—the difference would have been exponential.

We only had certain pieces of the puzzle to work with at the local and regional level.

*Empowered Communities, Cape York, Qld*

The region wants to influence the redesign of CDP so this huge employment services and community development investment works more effectively in the East Kimberley.

We could help government work through the national parameters for how an improved program would look, ensuring when it hits the ground it can be adapted to suit our context and circumstances on the ground.

*Empowered Communities, East Kimberley, WA*

There is now an Emerging Leaders program governed by Anangu co-design and led Working Group. We wouldn't have achieved this without Empowered Communities.

*Empowered Communities, NPY*

One benefit of Empowered Communities has been we have been able to share information and ideas across our regions. We have been able to learn from each other's approaches and successes.

*Empowered Communities, Goulburn Murray, Victoria*

Further, our experience under Empowered Communities also shows there is great value for regions in affiliating and learning from each other and this will occur with a National Voice in place. While each of our regions has its own unique set of circumstances and context, there are commonalities too in the challenges we face, and we have been able to learn from each other. After coming together under Empowered Communities, all regions were impressed with Cape York's leadership program, for example. Seeing what had been achieved in one region underscored the need for our other regions to develop their own ways to support emerging leaders. That we have all acted to embed support for emerging leaders in our own regions is one of our proudest achievements.

## Structural membership link model supports local and regional empowerment

For the Empowered Communities regions, the structural membership link model proposed in the Interim Report is considered far superior to a direct election method to select members of a National Voice and support local and regional empowerment.

As Aboriginal and Torres Strait Islander people, culturally our connection to place is at the very core. For this reason, it is our firm view each region must provide structurally linked membership to ensure there is continuity from the Local and Regional level through to the National. By directly linking membership from the ground up, we can ensure people who are committed to and understand the agreed local and regional reform agenda to close the gap will carry this agenda through to the state/territory and National Voice levels. The direct membership link also embeds the mechanism for ongoing, two-way communication and informed decision making.

The structural membership link ensures the National Voice has the legitimacy and the usefulness of being directly connected to empowering Indigenous governance arrangements at the local and regional level. Direct connection to Local and Regional Voices ensures the National Voice is drawing from the fact that the Aboriginal and Torres Strait Islander population of each region will determine for themselves how cultural leadership and traditional decision making structures are reflected at this level, in line with the principles-based framework outlined in the Interim Report.

A structural membership link between the National Voice and Local and Regional Voices can ensure specific eligibility requirements for those wanting to take on a role as a member of the National Voice. For example:

- Selections for those nominated from each region would be through a locally designed formal and transparent process, which reflects the principles of *Inclusive Participation* and *Cultural Leadership* as outlined in the Interim Report
- Only people who have consistently contributed to the hard work on the ground of planning and implementing through local and regional partnership interfaces would be eligible for nomination for selection to the state/territory Voice, and to the National Voice.

## We need Ambassadors not politicians

The roles of members of a National Voice and at the state/territory level ought to be modelled on that of Ambassadors, who hold officially accepted positions to represent the interests of their country in another country. An Ambassador's role is different to that of a politician, whose role is directly involved with making decisions within government on behalf of their electorate and who are primarily held to account for their decisions at the next election.

Ensuring the role of the members of the Voice is akin to that of an Ambassador is appropriate to the National and state/territory Voices being a key point of articulation between an empowering ground up Indigenous system of governance in decision making, and our Westminster system of government and administration. Voice members fulfilling an Ambassador role would advise, advocate and support positions that influence politicians and government when they are making national laws, or policy and program decisions, rather than acting as politicians themselves. Ultimately the Ambassador's goal is to influence the decisions of government so they support local and regional reform agendas, developed through empowering governance arrangements and participation.

To support the success and effectiveness of the ambassadorial model, mechanisms must be embedded to ensure the free flow of information between the National Voice and the Regional and Local Voice representatives to inform potential decisions. The direct membership link itself provides one such mechanism, and other such mechanisms would also include:

- strategic planning and agenda setting sessions involving the National member with their Regional and Local representatives
- potential for Local and Regional Voices to make upfront delegations of authority on specific areas of focus to the National Voice representatives, where appropriate
- accessible and timely sharing of upcoming National level business and actions, as well as finalised input and outcomes to promote transparency and trust across the system.

Directly elected members of the National Voice playing the role of politician could undermine the Voice's ability to empower Indigenous people to close the gap from the grassroots level voices to the National Voice by introducing disconnect into the system. Weaknesses of a direct election model include:

- National Voice representatives would be more likely to pursue their own political agendas rather than advocating for the local and regional agendas which have the legitimacy of being developed through empowering Indigenous governance and participation at the local and regional level.
  - ATSIC elected representatives were not always committed to supporting local and regional reform agendas, for example, and we believe a stronger direct connection between the national level and on the ground voices is needed.
- Members may be more likely to undermine (rather than respect, support and strengthen) existing local and regional systems of cultural authority, and empowering governance and participation at the local and regional level.
- Open elections are a crude numbers game, favouring those with large families or who are otherwise able to curry favour with voters. Voter turnout for previous Indigenous representative bodies does not sustain claims that direct election necessarily ensures broad participation in the selection process.

## Membership must directly reflect regions

The Interim Report rightly emphasises the importance of Indigenous people choosing the members of the National Voice and proposes two alternative models:

1. **Equal representation of 18 members**, with two members of different gender from each state/territory and the Torres Strait Islands.

2. **Scaled representation of 16** members, with two members for each state and the NT, and one member each for the ACT and Torres Strait Islands (with a member of each gender selected following each completed term) due to their smaller geographical size and populations.

Further, the report proposes membership could be further supplemented by a maximum of two additional members appointed by the Minister where required, according to clear criteria and with the agreement of the National Voice. The report notes such additional membership could fill skills gaps and resolve issues of demographic balance, for example providing additional representation for remote areas if needed.

It is our view that the number of 16 or 18 members is too low, even if it is further supplemented with two additional appointed members. The uneven distribution of population and of need across Australia means that not providing direct representation of each region at the national level is inherently problematic. Each region must have direct representation to the National Voice, or the representatives will be set up to fail. There must also be an appropriate gender balance of the members, and how this is best achieved will need to be worked through.

While there are common and serious challenges facing all regions, every region's opportunities and challenges and pathway to close the gap will vary according to its local context and circumstances, including its geography, population, history and culture. Remote regions, for example, do experience unique challenges and extreme disadvantage in terms of Closing the Gap indicators:

- The Ngaanyatjarra, Pitjantjatjara and Yankuntjajara (NPY) Empowered Communities region, for example, covers 350,000 square kilometres, including 25 communities with less than two people per square kilometre (100 times more sparsely populated than Mongolia). This remote region ranks in the bottom socio-economic decile for any people in Australia. It is distant from regional centres such as Alice Springs and from Canberra, Perth, Adelaide and Darwin.
- In remote regions, Indigenous Australians form a far larger or majority proportion of the area's population. After substantial struggles traditional owners typically have succeeded in having their land rights recognised over substantial areas and the big challenge may be to realise economic opportunities on that land, and to otherwise drive the economic development of their local and regional economies.
- NT, SA, WA and Qld have larger proportions of their Indigenous populations in remote areas.

In regional and urban areas, however, the struggles of Indigenous Australians are also significant, albeit they may have a different focus.

- The Goulburn Murray Empowered Communities region, for example, is focused on tackling our exclusion from participation in the relatively prosperous regional economy and its opportunities.
- In regional and urban areas, success of traditional owners in having their land rights recognised has often been more constrained due to the impacts of colonisation including where large tracts of freehold title have been created, for example.

Under the current proposal it is possible that remote and regional areas may end up with no representation, with two members of the National Voice coming from urban centres (this certainly may be the most likely outcome if a direct election method is used, as large Indigenous populations are concentrated in urban areas). The opposite scenario is also possible and urban areas of a jurisdiction could end up with no representation. Neither possibility is appropriate or provides for the kind of direct representation of local and regional agendas up to the national level that is required.

Even if there was a way to ensure some representation on a National Voice of 18 members drawn from urban, regional, remote and very remote areas, it still does not ensure each region is directly represented at the national level in the manner needed. It is very difficult to see how any two representatives from NT, SA, WA and Qld, for example, could adequately communicate and represent the diverse regional and local development agendas across their state/territory jurisdiction. The task of representation in these jurisdictions cannot be compared to the ACT, with around 7,500 Indigenous people and comparatively less challenges in Closing the Gap, which will have one or two representatives to a National Voice.

Empowered Communities supports a membership of around 35 to the National Voice, so that each region is directly represented and the Voice enables empowerment of local and regional voices as is intended. Not all regions will transition and seek recognition straightaway under the Voice. A quorum for the National Voice could be set at 18 with a minimum representation from each jurisdiction, meaning that not all 35 members would be required for the Voice to act. This would ensure the Voice can act even while regions establish their Local and Regional Voice arrangements over time. It will also ensure the membership has the coverage required. Until we overcome the gap in life expectancy there will inevitably be members regularly required to attend sorry business, for example, and these numbers will also help to ensure there is Voice members to establish and lead Voice sub-committees as required.

## The crucial role of a Productivity Council

Our *Empowered Communities Design Report* outlined the need for structural reforms to include what we called an Indigenous Policy Productivity Council. This proposal was not supported by government, but our experience since pursuing empowerment in each of our regions has only reinforced that such a council is absolutely required—and has sharpened our thinking about its role.

Currently, business as usual resource allocation does not empower Indigenous Australians. The Commonwealth, states/territories and their various government departments decide the allocation of resources with limited or no input from Indigenous people. There are many opportunities for efficiency gains, including through reduced duplication across different departments and levels of government, a reduction in the size of the top-down bureaucracy involved, and decreased reliance on middlemen by placing more responsibility with Indigenous people on the ground. Under the Voice, Indigenous empowerment can lead to more streamlined and rational use of resources, resulting in stabilisation and potential reductions in government funding over time to ensure a sustainable funding model along with improved results. The ultimate outcome is that the cost of government transfer payments and service provisioning will fall over time as the positive tax receipts from engaged and productive Indigenous people rise.

Under Empowered Communities we have begun to work in partnership with the Australian Government to eliminate some duplication and deliver efficiency gains. For the first time the Commonwealth Government has provided visibility of some of the funding flows into our regions.

In addition to place-based funding transparency, one of the reforms we originally proposed involved having panels of local people acting in the role of purchaser or co-purchaser of services, rather than far off governments always filling the roles of both funder and purchaser. Subsequently Inner Sydney initiated the first Joint Decision Making (JDM) process to provide local people with some shared decision making power over ceasing grants from the Indigenous Advancement Strategy (IAS) (see Figure 2). JDM has since been expanded and applied in all other Empowered Communities regions (see e.g. Figure 3).

### First Joint Decision Making in Inner Sydney demonstrates productivity improvements

Inner Sydney led the development of the first JDM process in partnership with the Department of the Prime Minister and Cabinet (PMC) from 2017, allowing community panels input into discretionary regional funding decisions. Through JDM, activities of government funded organisations can increasingly be aligned with the priorities of the Indigenous communities of the region. In its first year more than half of the funding considered was found to be duplication and misdirection, an amount of \$1.01 million out of \$1.98 million.

Figure 2. First Joint Decision Making in Inner Sydney demonstrates productivity improvements

### Ngaanyatjarra, Pitjantjatjara and Yankuntjajara's Joint Decision Making

Under EC the Kulintja Kutju ('One Vision') Group was established in mid-2018. This is a group of senior and emerging Anangu leaders from communities across the NPY region in SA, NT, and WA, and includes a number of directors of NPY EC opt-in partner organisations. The group supports Anangu having a formal role in the decision making process for funding decisions in the NPY region. The Commonwealth Government provides a 75% weighting to recommendations when making decisions about program funding for ceasing grants in the region. Since its establishment, the Kulintja Kutju Group has met six times to undertake JDM and has reviewed 14 IAS programs to a value of \$17.7 million.

- In 2018, IAS funding was transitioned from Skill Hire WA to an Anangu organisation to support remote school attendance, as this was identified as a community priority.
- Recommendations to improve delivery and outcomes have been included in the majority of IAS contracts of programs reviewed, ensuring greater accountability of government and providers to Anangu.

Figure 3. Ngaanyatjarra, Pitjantjatjara and Yankuntjajara's Joint Decision Making

Under Empowered Communities people have wanted to go further than simply taking a contract by contract approach and making incremental changes. The East Kimberley JDM process took a 'whole of sector' approach to IAS funds around children and schooling, for example (see Figure 4).

### East Kimberley demonstrates potential of a systems change approach

The East Kimberley sought to drive more transformational systems change, by grouping contracts by sector into a JDM process to take a more strategic view. All children and schooling sector IAS funding contracts administered by the NIAA were considered in a JDM process—totalling \$3.25 million. Substantial changes resulted, ensuring the better alignment of the region's child and education focused services with locally-led strategy, needs and priorities:

- an education strategy was developed to guide the JDM
- funding for 'low dose' initiatives was combined to support a new intensive family support program
- local Language Nest funding was increased
- some funds were redirected to support an Early Years initiative.

Figure 4. East Kimberley demonstrates potential of a systems change approach

Through establishing JDM processes with government for ceasing IAS grants, we have been able to demonstrate substantial productivity gains can be made through an empowerment approach which provides panels of local people with input and influence over the funding decisions made by government. The Australian Government acknowledges that JDM has proven to be more effective at making the tough decisions to cease funding and redirect it to local priorities, than when government alone makes such decisions. Figure 2 shows a summary of the ultimate result of all 107 Empowered Communities JDM activities.

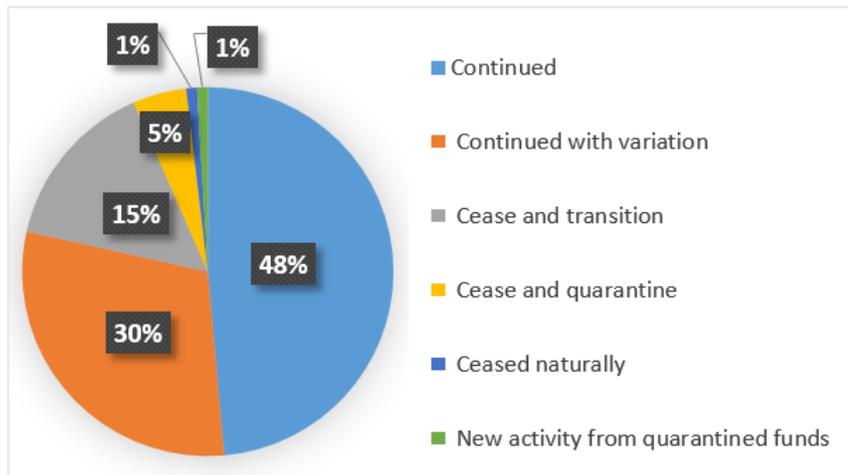


Figure 2: Empowered Communities JDM processes Dec-2017 to Dec-2020 results. Source: Australian Government

While JDM has made an important start, it is relatively small scale in contrast to the great potential for productivity improvements. For example, stronger productivity gains could be delivered if other funding streams outside of the IAS funds administered by NIAA were also included in a streamlined form of JDM or considered in regional pooled funding processes. Large proportions of funding flowing into our regions includes Indigenous funding administered by Housing, Health, Education and Social Services, for example.

### EC regions say...

JDM processes have each taken place over a period of around six weeks. The Backbone and the government have supported a capability building phase for community panel members, including through gathering information from Commonwealth, the existing service provider and other service providers. A Partnership Table follows to negotiate recommendations to be made to the Minister. Community representatives have found the process intensive, but each has been a powerful example of improved outcomes when decisions about services are made as close as possible to the ground.

*Empowered Communities, Cape York, Qld*

When people discovered money going to services the community had no knowledge of, they were outraged. There were so many different providers in the youth space. No one knew what many of them were doing, there was duplication and they weren't working together. People got visibility of the waste and saw what the funds could do to meet their community's needs and priorities. Through JDM they were able to make a decision together to influence government.

*Empowered Communities, Cape York, Qld*

## EC regions say...

Inner Sydney has specific needs and for 30 years we called for things to happen. It has only been through EC that we have had some power to get things done. The innovative JDM process has had significant impact, allowing the La Perouse and Redfern Community Alliance tables to ensure resources are used more appropriately to support community Priority Areas.

Community led decision making supported the creation of the new Tribal Warriors Family Mentoring Program (Redfern), focusing on building the capacity of parents for family restoration within 12 months of children being removed. Inner Sydney has been highlighting the need for such a focus since the early 2010s, and now it's finally happened.

*Empowered Communities, Inner Sydney Region, NSW*

In addition to JDM style approaches, to improve productivity a focus is also needed on other policy, funding and service reform models where individuals retain control and responsibility, and that provide flexibility and autonomy (e.g. demand-driven models and user choice, community-controlled service delivery, pooled funding, performance or rewards-based funding models).

Given the scale of the challenge and transformation to improve Indigenous policy productivity, and the vested interests within the existing system which will always work to maintain the status quo, success in this area would be greatly improved by appointing a small number of people to a Productivity Council to support a productivity agenda as part of the Voice reforms.

The Productivity Council, enabled by the relevant legislation establishing the Voice, would not provide an alternative and independent source of advice or expertise to government and to the Indigenous Voice. It would act as a coach or a supportive umpire that can advise and support both sides of the partnership to ensure a productivity lens is applied across the board to all approaches. It would play a key role in building the capability for productivity improvements throughout the system, including through sharing information and analysis.

### A Productivity Council is needed

A Productivity Council would apply a productivity lens to program, policy and agreement making to ensure changes flow through the system as required from the national to the ground as decisions are made that iteratively change policies and funding priorities, programs and service delivery. The existence of such a coach or umpire to support, guide and hold partners to account will work to ensure the Voice can deliver practical results and improved productivity in the shortest possible time.

We suggest the National Voice appoint an Indigenous Productivity Council made up of Voice members, perhaps one from each state and territory, and a small number of Associate Members who may be Indigenous or non-Indigenous, who are appointed for their experience and expertise. These Associate Members would be appointed by the Minister (e.g. through an agreed process requiring consultation with members of the National Voice) on the basis of their qualifications and experience.

For example, it may be required that at least one such member have extensive skills and experience in the following areas:

- economic development and enterprise
- land rights and native title
- applying the principles of sustainable development
- dealing with the social effects of economic adjustment and social welfare service delivery.

To inform its work we suggest the Productivity Council could receive a comprehensive annual report on relevant expenditure and programs, including benchmarking, monitoring and evaluation from the Productivity Commission (building on the current functions of the Commission), and details of expenditure at the regional level to match as far as possible the partnership and agreement-making framework.

As part of the National Voice architecture, the functions of the Productivity Council would be applying a productivity lens to:

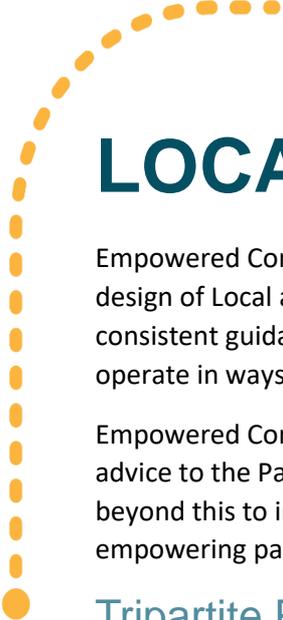
- oversee and support improvements to the regional and local partnerships, including by:
  - a. being provided with reports received by the National Voice from the partners at the regional and local level
  - b. providing oversight of the agreements made at the regional and local level to ensure all parties are meeting their obligations to overcome the current disconnect between high level policy intent and on the ground action
  - c. publicly reporting on partnerships at the regional and local level on an annual basis
- inquire into and report upon matters referred by the Parliament or the Minister responsible for Indigenous affairs to improve policy productivity
- initiate such inquiries and reports in its own right to help ensure all policy, program and funding inputs are consistent with Indigenous empowerment, will enhance Indigenous development, and are a productive use of resources and opportunities, including to:
  - a. rethink how services are purchased and increase the direct accountability of providers to Indigenous people, to improve efficiency and effectiveness
  - b. develop and progress reforms to increasingly migrate investment from the welfare/service delivery framework, so funds more directly 'hit the ground' for the benefit of Indigenous individuals and families, including through incentives
  - c. develop and progress regional pooled funding arrangements and an agreed model for regions to achieve a productivity dividend, that could be reinvested in the region through on the ground partnership agreements
- enable input from the regions, and synthesise and reflect the views obtained (including individual regions and dissenting views) in reports, including reports providing advice to Parliament and government
- access evidence and subject matter expert advice, and synthesise and reflect it to the regions as required

- oversee the work of other subject specific committees or Advisory Groups as required through a productivity lens.
- Liaise with Commonwealth and state/territory actors responsible for driving accountability in service delivery (ombudsmen, productivity commissions etc) to increase accountability in place for mainstream service delivery to Indigenous people.

## Other design elements of the National Voice

We provide the following feedback on other National Voice design issues in the Interim Report:

- Empowered Communities supports **staggered four-year terms for National Voice** members, so that half the membership positions are vacated at the end of every term. This provides a common sense approach, ensuring continuity so longer-term agendas can be pursued by the National Voice. Staggering the changeover of members ensures there will always be a level of experience amongst the Voice members. This is highly preferable to potentially having an entirely new membership finding their feet together during their early tenure in this specialised role, and then all potentially racing to ‘get things done’ in the latter part of their term.
- In addition to establishing Youth and Disability Advisory Groups, the **National Voice should be enabled to establish subject-specific Policy Committees and draw expertise from a panel of experts** as required. Indigenous peak bodies and experts may be represented on the Policy Committees, and peak bodies may provide secretariat support. Examples may include: Health, Education, Justice, Settlement through Makarrata, Economy and Employment, Land and Resources, Governance and Closing the Gap Oversight. Such policy Committees will provide a key conduit for the provision of subject-specific, practical and timely advice from the National Voice to Parliament and government, and will play a key role in building the capability and capacity of the Local and Regional Voices through sharing information and analysis.
- A **small, high-performing National Office in Canberra** will be needed to provide streamlined and efficient administrative and secretariat support for the Voice to perform its functions. As well as being a secretariat for the Voice, the National Office will enable Indigenous regional groups to conduct their regional partnership business in the national capital with the Commonwealth Government and Parliament. The National Office would receive formal requests for advice from Parliament and government, and through an agreed procedure would ensure Local and Regional Voices are engaged when required to obtain advice and report back within certain timeframes.
- Empowered Communities strongly support the Voice be established as a **Commonwealth body under legislation**, and that the existence of the Voice must be constitutionally enshrined.



# LOCAL AND REGIONAL VOICE

Empowered Communities supports the principles-based framework outlined in the Interim Report for the design of Local and Regional Voices and to underpin the partnership interfaces. Such an approach provides consistent guidance to the partners and allows flexibility for Local and Regional Voices to be designed and operate in ways tailored to specific cultural contexts, geographies, opportunities, priorities and aspirations.

Empowered Communities also fully endorses that while the role of the National Voice will be to provide advice to the Parliament and the Australian Government, the role of Local and Regional Voices must go beyond this to include shared decision making with governments—indeed this is the very heart of the new empowering partnership required.

## Tripartite Partnership Interfaces

One of our key learnings in Empowered Communities underscores the critical need for Local and Regional Voices to be supported by partnership interfaces, and the need for the roles, responsibilities and authority of Tripartite Partnership Interfaces to be formally established in legislation.

For any single Indigenous community (urban, regional or remote), it is likely that well in excess of 20 government departments at state/territory and Commonwealth level are involved in policy development and service delivery. Both levels of government fund peak bodies and a range of NGOs working with communities, and multiple Indigenous leadership organisations also have a role in any given community. Currently, taking a genuinely place-based, Indigenous-led partnership approach is virtually impossible, given this level of complexity and lack of coordination. A Tripartite Partnership Interface is essential to harness effort and resources through a place-based, Indigenous-led partnership approach.

In the early stages of Empowered Communities we did not get this element right. While things proceeded differently in each of our regions, we made slow progress setting up partnership structures such as regular joint meetings, Negotiation or Partnership Tables. As Empowered Communities matured, where regions were able to embed such interfaces as a cornerstone of the new partnership arrangements with government, more gains have been made than in those regions where this did not occur or where it took longer. Under Empowered Communities, our Negotiation Tables or Partnership Tables still do not have clear, formalised roles set out and backed in legislation. We continue to depend heavily on the goodwill of those government officers with whom we work, to change their business as usual approaches and come into new ways of working through negotiation and agreement making as part of our empowering partnership.

Getting state/territory governments to the table alongside the Commonwealth Government has been very difficult, partly because Empowered Communities has been seen as a Commonwealth initiative. Even in regions where state governments are pursuing their own similar agendas to Empowered Communities' empowerment agenda, such as is the case with the NSW Government's Local Decision Making model, it has still been difficult to align the approaches. Achieving multilateral collaboration has been even more challenging for the tri-state NPY region which exists across NT, SA, and WA. This means Anangu voices must try and navigate and negotiate with four different governments.

Formally established in legislation, Tripartite Partnership Interfaces will:

- provide the key structural mechanism through which partnerships are articulated at the local and regional levels

- bring together Indigenous people through their empowering governance and Voice arrangements, the Commonwealth Government and state/territory/local government/s, to empower and develop the region and its constituent communities to Close the Gap.

It is through the Tripartite Partnership Interfaces that key negotiations will occur and Agreements will be struck. Powers and decision making currently held centrally by government alone will devolve to the Tripartite Partnership Interface with their role and functions including:

- oversight of the co-design policies and programs to be delivered in the region
- development of regional plans, based in turn on local planning processes
- reducing duplication and red tape in service delivery, programs and investments
- oversight and support of community partnerships within the region
- negotiation of investment and regional agreements
- monitoring, evaluation and adaptation of programs and strategies
- reporting on progress as required.

Government representation would be from each of Commonwealth, state/territory and local government at the decision maker level, including delegates with authority to make funding decisions. Representation may also be supplemented with particular expertise depending on the issues for discussion and negotiation. For example, when making decisions in the area of children and schooling, educational and child development expertise may need to be brought to the table.

## EC regions say...

**We are participants under EC and NSW Government's Local Decision Making model – both of which are forms of shared decision making.**

**Although they're foundationally similar approaches, we haven't seen the two levels of government participate across both models in the way we would have liked.**

**We need a single system.**

*Empowered Communities, Barang Regional Alliance, Central Coast NSW*

**When it comes to such big systems change, some things just need to be mandated. We needed Partnership Tables to be a formal pathway to bring the Commonwealth and the State together. We are only beginning to get some traction on the idea of a Partnership Table in our region now.**

*Empowered Communities, Barang Regional Alliance, Central Coast NSW*

**We need both the State and Commonwealth at the table to fulfil our vision of regional empowerment.**

*Empowered Communities, Goulburn Murray Region*

**It's great to see shared decision making happening on the ground. This process allows much more genuine community input about what is needed, rather than decisions being made just by bureaucrats far away in regional, state or national government offices. Ultimately money can be spent in a much more effective way on the ground.**

*Empowered Communities, Cape York, Qld*

## Number of regions and approach to boundaries

Indigenous Australians naturally affiliate with regional identities, according to geography, history and culture. The legislation establishing the Voice will cap the maximum number of regions to ensure the arrangements remain reasonable and practical, and the cap should be at the upper limit of the range of 25 to 35 set out in the Interim Report to ensure the model is workable and empowering.

While it may be tempting for government to reduce the number of regions to less than 35 in the belief that this will be more efficient and reduce costs as a smaller number of regions will be ‘easier to manage’, such a view is misguided. Forcing regions together where there is no natural regional affiliation is likely to lead to conflicts and difficulties that will delay progress, and over the long term is likely to prevent the kinds of outcomes and productivity gains we hope to see under the Voice.

In many areas (but not all) regional identities tend to broadly align with the former ATSIC regional boundaries, so this may provide a useful starting point for most areas. During the transitional arrangements, regions will be afforded the ability to revisit and redefine their regional boundaries, so regions may be altered, amalgamated or created new as required.

In some regions, however, there has been substantial shifts from ATSIC days. This may be the case in WA’s Kimberley Region, which consisted of East, West and Central ATSIC regions, and which under Empowered Communities has worked as two regions, East and West. Most recently, however, the region has begun to progress the development of regional governance arrangements across the whole Kimberley region. Nor do ATSIC regional boundaries reflect a good starting point for the tri-state NPY region, which must be considered to be a strong exceptional case of a region which need not align with jurisdictional boundaries as envisaged by the Interim Report (see below).

### The NPY tri-state region should not be split along jurisdictional lines

Anangu share languages, cultural and family ties, and a history of unity and collaboration that transcends jurisdictional borders. Anangu live their daily lives across two worlds and are often simultaneously required to negotiate western systems alongside traditional Anangu systems.

- English is a second, third or even fourth language for Anangu.
- The communities suffer from inadequate infrastructure. The regional economy is not well understood, and genuine economic development opportunities have not yet been properly explored or acted on.
- Governance and the level of engagement with the Empowered Communities agenda differs between various governments.

Under Empowered Communities, the region has been organising their empowering governance arrangements for Anangu to pursue a place-based approach to development across the tri-state region, and progress is being made. There are now early signs of movement from one sided, restricted program and service based activities divided by state jurisdictions, toward Anangu empowerment and priority setting, with shared expectations and understandings, a tri-state regional approach to engagement, planning and co-design on first priorities, Indigenous led regional planning through the NPY EC Regional Roadmap, joint decision making and capability building regarding IAS funding, and establishment of a bespoke EC secretariat (backbone function) driven by Anangu led organisations.

History has provided harsh lessons about the adverse impacts of splitting the NPY region across state/territory jurisdictional lines. Under ATSIC the voices of Anangu were divided across the NPY region by WA, SA and NT borders into three regions: Central Remote Australia, Nulla Wimla Kurju and Western Desert regions. If the region is split across jurisdictional boundaries under the Voice arrangements, it will be a backwards step, condemning the region again to uncoordinated approaches of the Australian, WA, SA and NT governments, not working with Anangu across the entire NPY region on regional planning and investment. It would result in fragmented and unheard voices from Anangu coming through regional arrangements in WA, SA and NT Local and Regional Voice regions, and the voice of Anangu is likely to be entirely lost to the National Voice. It will not be possible to take a place-based, Indigenous-led approach to development.

## Transitioning Empowered Communities and other regions

Transitional arrangements will look very different across different regions, including across existing Empowered Communities regions. Regions will build on their existing governance mechanisms to put Local and Regional Voice arrangements in place over time. Some regions may be relatively well placed to seek formal recognition of their Local and Regional Voice arrangements, others will have a great deal of work to do and may struggle to know how to begin. Some may wish to wait some time before they start to transition to the Voice.

We briefly outline some possible models, which are very different according to the circumstances and context of their particular remote, regional or urban region. Some are well established, for example, North East Arnhem Land's proposed model is completely rooted in its ancestral past. Other models are new, such as the Pama Futures model which has been developed over a number of years and continues to evolve in Cape York.

### North East Arnhem Land's cultural governance and leadership model

In the North East Arnhem Land (NEAL) region Yolngu law, culture and tradition has continued to determine the lives of Yolngu people in a less interrupted way than is the case in many parts of Australia. The NEAL region looks forward to transitioning its Dilak Council with its traditional cultural orientation, to provide its Local and Regional Voice arrangements. The Dilak is the appropriate structure through which Yolngu can connect and articulate between Yolngu governance and the broader Australian system of governance and administration. NEAL states:

*The future prosperity of the region and its people very much depends on this transitional shift in establishing and implementing this model together with governments.*

*The Yolngu people of North East Arnhem Land have never relinquished our culture, and we continue to represent our own unique law and tradition. Our wish is for a strong relationship with Australian governments but are not able to continue with imposed, misunderstood and unworkable (and therefore resented) government models of governance and administration.*

*We have our own laws and governance models that we live by and have done so forever. Our laws and traditions are understood by our people, respected by them and operate to make our lives meaningful.*

*To achieve effective Indigenous policy reform, government must hear that Yolngu people are requesting responsibility to determine our own future.*

The Dilak Council brings senior members and decision makers of the 13 clan groups together to make decisions, order and guide the life of the clans of North East Arnhem as they have done in their ancestral past. Any new structure would be bound to fail. While the Dilak has long operated as an important pinnacle system of Yolngu governance, it is not recognised outside the traditional world of Yolngu and this would change under the Local and Regional Voice arrangements.

### Pama Futures model in Cape York

Pama Futures builds on more than two decades of reform and policy innovation by Cape York people. It has developed and begun to implement, new empowering governance arrangements to support shared decision making and shared responsibility across Cape York's 17 Indigenous communities, with a focus on planning and organisation at the level of the 12 sub-regions of Cape York. Pama Futures introduced a sub-regional approach because areas of land surrounding communities where Land Rights are recognised, must

now form a significant part of the planning and development story in Cape York if people are going to reduce their dependence on government and sustain themselves from their land. Communities remain important, indeed they are key focal points within each sub-region.

Planning commenced at a Summit in August 2017 when 200 Cape York people met at the Djarragun Wilderness Centre and told then federal Minister for Indigenous Affairs, Senator Nigel Scullion that they wanted to partner with government on land, economic development and empowerment opportunities. The Minister offered his strong support.

Two people from each of sub-regions were appointed to be Sub-Regional Facilitators and three Design Labs in Cairns each involved around 10-20 people from each of four communities, so all 12 sub-regions were included. The Labs were held over two days, with time for each sub-region to separately progress its plans.

- Design Lab 1: approximately 60 people attended from Aurukun, Napranum and Weipa, Mapoon, and Lockhart
- Design Lab 2: approximately 80 people attended from Kowanyama, Starke/Lakefield/Kalpowar, Pormpuraaw, and Hope Vale/Cooktown
- Design Lab 3: approximately 100 people attended from Coen, Laura, Yalanji/Mossman/Mossman Gorge and Wujal Wujal, and Northern Peninsula Area.

The facilitators played a critical role in preparing for the Labs and facilitated their own sub-region's planning sessions at the Lab.

Further community workshops of two to three days were convened in communities which enabled reporting back from the Labs, building community awareness, and provided a further opportunity for input. More than 400 people participated across 12 communities.

The Pama Futures model was formally adopted at the Cape York Summit in December 2017, attended by around 400 people, as demonstrated by the signing of the Lockhart River painting by many participants to celebrate the historic shift.

Following that, a comprehensive report was submitted to the Minister and his Queensland counterpart setting out a possible framework for Pama Futures for the next 10 years. The Federal Minister endorsed the report and asked that the Pama Futures be further discussed and agreed by Cape York people at the next Cape York Summit.

In December 2018 at the following Summit over 300 people agreed to a series of resolutions setting out how Pama Futures would be implemented across their communities.

The region's Pama Futures Steering Committee was established in June 2020. The purpose of the committee is to continue the development and implementation of empowering governance arrangements on an opt-in basis for the 12 sub-regions and the region, and to help make further inroads into partnering with government on community and regional priorities, including cross-agency and cross government funding. The membership of the current Pama Futures Steering Committee is an interim arrangement until more community representatives from across Cape York are engaged. As community readiness allows, community representation is being added to the Steering Committee, and there are now five community members' representing four communities. Cape York regional organisations will progressively take on more of an enabling role and Australian Government representatives will become both formal partners and have an enabling role as more communities are active members of the committee. The Steering Committee will continue to transition over time to the Cape York regional tripartite interface as it develops.

Pama Futures is seeking to put in place a new empowering system of regional governance that replaces top-down control and dependence, with processes and structures that empower decision-making at the grassroots level and reduces conflict and tension across fragmented Indigenous governance. For example, under the approach each community is encouraged to build grassroots governance and capability to use and manage land, beginning at the level of the family and the clan. A family/clan ‘campfire model’ means that family groups have regular, voluntary and self-organising get togethers, at which aspirations and plans for ancestral lands are discussed and developed. This provides the foundations to strengthen the direction and input of traditional owners to their Prescribed Bodies Corporate (PBCs) and Land Trusts, for example.

At the local level some communities are now working through their empowering governance and partnership arrangements on an opt-in basis, involving all key local organisations and encouraging broad participation in the process. It is through having such arrangements in place that people can decide who represents them at a sub-regional or regional Partnership Table.

Since the Land Rights struggle in Cape York, Elders and others have gathered at key regional Summits. These continue to be an important aspect of the regional governance of Cape York and are likely to continue to play an important role under the Cape’s Local and Regional Voice arrangements.

### **Kimberley Regional Governance: One Region, One Voice?**

Community empowerment, cultural development, policy influence, local decision-making and regional governance have been pursued by Kimberley Aboriginal people for decades. In 1991, hundreds of Aboriginal people from across the Kimberley region came together at Crocodile Hole in the East Kimberley. This was before Mabo and there was an urgent need to get country back. People in the Kimberley region were focused on: “looking after our sites, talking to our country, educating young people... making our spirit strong and making our language strong for the country”. People called on Aboriginal organisations to work together, undivided by external forces, to focus on the future and advocate for Aboriginal interests across the region with a united voice.<sup>1</sup>

Thirty years on from Crocodile Hole, the region has many strengths on which to build upon. Our old people have struggled but now we have country back. Our culture is strong and our languages survive. Native title is almost settled across the region and our Prescribed Bodies Corporate (PBCs) are an emerging force. Our arts and culture centres connect us across the region. Our community sector organisations are growing. Our regional peak organisations are strong.

In the East Kimberley, Empowered Communities has been working hard to bring together local voices for regional influence. In 2016, Empowered Communities East Kimberley established a backbone organisation Binarri-binyja yarrowoo (BBY) as a neutral facilitator of reform. We brought together people and organisations in Kununurra, Halls Creek and Wyndham. We built a membership base among Aboriginal organisations of the East Kimberley and mechanisms for community engagement at the sub-regional level, our Local Management Committees. We hosted community forums to shape our Regional Development Agenda and mobilised community panels to bring local voices into shared decision-making about government investment. We have had successes, but the East Kimberley is vast and we have more work to do to bring voices from remote communities and emerging PBCs into the shared agenda.

Recently, Empowered Communities East and West Kimberley have worked together to trial shared decision-making about government investment across the Kimberley, scaling up to a regional level Joint

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<sup>1</sup> *Report of the Conference on Resource Development and Kimberley Aboriginal Control* (KLC and Warringarri Resource Centre 1991) (Crocodile Hole Report).

Decision Making processes we have been using in the sub-regions. Whole-of-region shared decision-making will ensure regional investment responds to local voices, empowering our people on the ground.

We are all connected to country in place. But our family connections and ceremonial ties run across the region. We are Kimberley Aboriginal people. There are long held aspirations for us to stand together: one region, one voice. Governments have divided us in the past: with ATSIC, we were east, west and central; with Empowered Communities we are east and west. Now is the time for us to work together: Kimberley regional peak bodies, Empowered Communities East and West, our old people and our young ones, families, town-based and remote communities, native title holders and PBCs, and stolen generations.

Together with the regional peaks, Empowered Communities East and West Kimberley are holding this conversation again, so our children are not carrying the same story 20 years from now.

### A pathway to develop a model in the NPY region

The transition to an ongoing regional Anangu Voice requires work to build on what has been done by Anangu organisations, going back to the Pitjantjatjara Council in the late 1970s, through to work started by the NPY Women's Council in 1980, and more recently the work undertaken by NPY Empowered Communities and others such as land councils, Regional Anangu Services Aboriginal Corporation (RASAC), Purple House and Mai Wiru. An agreed engagement and co-design approach among Anangu to develop Local and Regional Voice arrangements would involve all key organisations, such as the land councils and the NPY Women's Council.

In addition to extensive engagement, the pathway for an Anangu Regional Voice would involve special recognition of Anangu as one Voice across the tri-state region. This would require formal agreement of the Australian Government and the governments of WA, SA and NT to enable the Anangu voice to work across the tri-state region, through legislation. Each jurisdiction would have appropriate mirroring provisions, perhaps supplemented by administrative orders or gazetted provisions laying out coordination arrangements. (There is a clear precedent through the cross border justice scheme. WA, SA and the NT have mirrored legislation to enable police officers, magistrates and corrections officers to deal with offences by exercising their powers in each of the other jurisdictions.)

### EC regions say...

In building of Local Partnership Structures, a broader section of the community than in the past is involved in co-design of the Structure, considering how the people come together to plan and make decisions, and to co-design local solutions.

*Empowered Communities, Cape York, Qld*

The transition from current representation, governance, organisations will require extensive engagement with Anangu and Anangu organisations across the tri-state region to land on Local and Regional Voice arrangements that can maximise Anangu Voice(s).

*Empowered Communities, NPY*

Barang Regional Alliance was established in 2016 to facilitate and drive reforms. We continue to build our opt-in base and our community membership. Barang member orgs work together to share experiences and knowledge, and develop solutions to the problems and challenges we face.

EC created an opportunity for the 12.5k Aboriginal community members on the Central Coast to participate in Commonwealth and State dialogues, which we have generally been excluded from due to being located between Newcastle and Sydney, but not having connection to either. We have to make sure in the transition to the Voice model, these hard won gains are not lost.

*Empowered Communities, Barang Regional Alliance, Central Coast, NSW*

## Formal recognition of regions

First Nations people within regions must organise their own empowering arrangements to ensure their voices can be heard and to come into a better partnership with government at the regional level and within regions at the community or sub-regional level. For formal recognition of a region, Indigenous governance arrangements must be consistent with the key principles, and as such they must build foundations of community empowerment and allow for inclusive broad-based participation, for example.

The Interim Report proposed two alternative approaches for formal recognition of regions:

1. Formal recognition by an independent body
2. Formal recognition via joint assessment.

Given that the entire purpose of the new arrangements is to build a new partnership and shared decision making with government, **Empowered Communities support the joint assessment approach**. This means regions will immediately begin working with government as they mean to go on—sharing responsibility for decision making about regional recognition. Such an approach will also best encourage government to support regional readiness, and will provide a foundational conversation between government and a region from which there can be an ongoing dialogue as the Indigenous people of a region further evolve and improve their empowering regional governance arrangements where needed, even after the principles based threshold is met.

### ‘Proposed minimum expectations’

Our experience under Empowered Communities has highlighted that even where structural reforms enable a shift to occur toward Indigenous empowerment, the implementation challenges should not be underestimated. The Interim Report includes ‘proposed minimum expectations’ for governments and their Indigenous partners under the Local and Regional Voice arrangements, but this is one of our areas of greatest concern. This is an area that will require an ongoing focus in the lead up to the transition period, during the transition, and beyond.

It is astonishing that despite the length of time there has been earnest calls for a better “partnership”, and Indigenous “empowerment”, “ownership” and “engagement” to improve outcomes—there has been relatively little attention paid to the different approaches, or practice tools and frameworks which make up the actual interactions and realpolitik of local practice, and which actually work, or do not work, in practice. Under Empowered Communities each of our regions, on both the government side and the Indigenous side, has made some mistakes, gone down some dead ends, and had to learn some hard lessons through trial and error.

A great deal effort, leadership and engagement will be required to ensure the 35 Local and Regional Voices provide a genuine grounded partnership model. More work must be done to unpack and communicate different approaches, practice tools and frameworks that can be used in on the ground partnership practice, and this is an area we believe requires urgent attention so that Local and Regional Voices are set up for implementation success.

### Capability building required

Capability building will be required both on the Indigenous side and the government side to support the required shift in mindsets, skills and new ways of working under Local and Regional Voice partnerships.

On the Indigenous side, local leadership will have to work to build capability and understanding on the ground. For example, some Empowered Communities have spent time building understanding of the fact

that empowerment and shared decision making does not in any way impinge on the rights and responsibilities of traditional owners when it comes to matters relating to their ancestral lands, property and culture, which are to remain absolutely respected under any empowerment model. However, outside of the matters that are the purview of traditional owners only, all Indigenous residents and citizens should be able to have a say in matters that impact on their lives and futures, and be able to participate in the social and economic development of the communities they live in.

### EC regions say...

A big part has been helping people understand that the new approach is not taking away the little bits of power they do have. Your role for this or that organisation doesn't change! But working together we can actually change the way government works with us, which you can't do working alone. People respond to the idea of shared responsibility for success and failure.

*Empowered Communities, Cape York, Qld*

We have experienced firsthand that self-determination is hard work, and there is a great deal of capacity and capability building required on the Indigenous side, including in our own organisations to step up into an empowering and productive partnership. However, it has not just been left for government and Indigenous people to support this capacity and capability building alone, and Empowered Communities has received terrific support from the corporate and philanthropic sector, where there is a great deal of goodwill and expertise that can help ensure success. Empowered Communities has benefited from a wide variety of senior corporate support and expertise, provided pro-bono to strengthen Indigenous capacity across each of our regions. This corporate support has been facilitated through the not-for-profit organisation Jawun, and in the period to the end of 2020 has amounted to an in-kind contribution worth \$19.8 million, or the equivalent of:

- 319 secondees providing 2280 weeks of support, hosted to work on Empowered Communities projects devised and led by Indigenous organisations in our regions
- each of our 10 regions having had a full time person for the full 5 year life of Empowered Communities (but we have also had the benefit of the many different skills sets and the injection of new ideas brought by the 319 different secondees).

Efforts must be made to ensure that the corporate and philanthropic sectors are able to continue to support the new partnership in place under the Voice.

### **Commitment to secure funding for Backbone organisations**

The Commonwealth Government has supported each of our regions to have what has been referred to as an independent Backbone, being a small number of resources that work for the Indigenous leaders of the region to support the implementation of Empowered Communities. The Voice model must include government commitment to secure similar funding for this critical function to support Local and Regional Voices and empowerment.

(The term "Backbone" is borrowed from Collective Impact style approaches, and is not necessarily reflective of the role. Many people now prefer to think of the Backbone role as a highly and uniquely skilled Secretariat. In some regions an ancestral language name is now used to refer to the Backbone. Regardless of what it is called, the role played by the Backbone or Secretariat is crucial.)

The functions performed by the Backbone have a singular purpose of enabling and supporting empowering governance across the region, including to support community engagement, planning processes and co-design. A key role is engaging and supporting community members with agency, so they can lead the on the ground community conversations and facilitate the participation of others.

It is important the Backbone function can be performed across the region with the degree of neutrality, legitimacy and trust. The Backbone must be seen to be free of any real or perceived conflicts of interest in terms of competing for service delivery funding, for example.

### EC regions say...

We've worked in partnership on the ground so people can prepare and decide 'what is it we want government to do?' and 'who can provide credible and authoritative representation on this at this Partnership Table?'

*EC Backbone, Cape York, Qld*

We build capability so that people have the confidence to conduct community conversations in their own communities. This might be coaching people in facilitation skills and the skills to design solutions together – it is providing support so the people in community can run the show, it has to be these people who are really moving things forward.

*EC Backbone, Cape York, Qld*

At all times our role is to make sure the community is supported. We focus on providing opportunities for community to connect, so this might be through forums and workshops. We test everything with community, including the data.

*EC Backbone, Barang Regional Alliance, Central Coast, NSW*

The funding commitment for Backbone support will need to be greater in some regions than in others. For example, there are additional costs associated with convening and supporting groups to meet in remote areas.

Under Empowered Communities each region has found its own way, in terms of the approaches and tools used to support community engagement, and this has involved some trial and error. Some examples include:

- Barang on the Central Coast has undertaken consecutive annual face-to-face surveys to identify priorities across the region. The results have been entered into Survey Monkey to generate data and to reveal important patterns, such as the clearly different priorities of the younger aged cohorts which has driven the youth focus and priorities on the region.
- In Cape York extensive co-design has developed the Pama Futures model and progressed it, involving local Cape York people acting as facilitators or co-facilitators, and visual facilitation at workshops and design labs. Small groups have been involved locally and regionally to progress dedicated aspects of design and prepare for Partnership Tables. Large Cape York Summits have been used to ensure broad-based participation and broader endorsement of the approaches.
- NPY commenced with 18 to 24 months of community engagement and planning to establish Anangu regional priorities. This involved first language grounded engagement, producing co-design and

planning materials, including language-based videos on the Empowered Communities framework and JDM to build knowledge and understanding. A NPY Regional Roadmap was developed setting out the next 2-4 year priorities and initiatives in the region, and this was also communicated in language based videos. Also a 12 month co-design process has seen School to Work Transition support established and achieve some impressive results.

### Place-based investment and pooled funding

The *Empowered Communities Design Report* proposed a range of funding reforms so budgets could be controlled closer to those affected, including place-based pooled funding arrangements. While in partnership with the Australian Government we have achieved increased visibility and influence through JDM over some funding flows into our regions, there has not yet been agreements reached with government to settle place-based budgets and/or to establish pooled funding mechanisms.

JDM panels for ceasing grants have occurred across all Empowered Communities regions, putting power back in local hands for service delivery decisions. These processes have become more embedded within the Commonwealth Government and understanding and capabilities have been built on the Indigenous side and in our supporting Backbones. Our experience shows the devolution of control of the budget has great potential, but must also be appropriately planned, including to ensure that Indigenous capabilities are developed.

### EC regions say...

We need to extend shared decision making to other funding streams to achieve better results for our community and for taxpayer funds. A large proportion of Commonwealth-funded services for our communities are not funded under the IAS. Education, health and social services portfolios were/are our initial priorities and it would be great to have visibility and shared decision making over those. We really should be negotiating a Regional Budget.

*Empowered Communities, Barang Regional Alliance, Central Coast, NSW*

### A shift to an enabling role for governments

Indigenous empowerment does not mean government can take a 'hands off' approach, even once Local and Regional Voices are established. There remains much for government to do in its enabling role. The role of government under the new partnership model is vastly different to the traditional role governments, and government employees, play in our communities, however.

For example, in the new model the government will now be wearing two hats, as Funder/Decision Maker and Enabler/Partner. It has been a common experience under Empowered Communities that many Commonwealth public servants unfamiliar with the Enabler/Partner role struggle to shift from the traditional role of Funder/Decision Maker which is primarily focused on managing grants and making decisions about the allocation, management and reporting on funds. In the Funder/Decision Maker role interactions with Indigenous organisations are focused on ensuring funding provided has been used in the way that was intended, and then deciding whether funding should be rolled over.

Such experience does not easily translate across into the new ways of working required of government under the Voice. The role of Enabler/Partner requires a different set of negotiation and strategic skills to

bring to be brought to the table for shared decision making at the partnership interface. It requires government officers who can establish and support real and robust partnership relationships that are able to weather the challenges of working together in a transformational and collaborative shared endeavour. The shift required does not occur naturally for the vast majority, and public servants will need training and support to learn new skills and ways of working.

### Indigenous access to data

For decades significant 'report cards' such as under the Closing the Gap framework have used key administrative data to track Indigenous wellbeing across the country. These reports to government and the Australian public show the collective impact of policy and programs at the aggregate level across Australia as a whole, by state and territory, and also by remoteness categorisation (e.g. urban, regional, remote and very remote). However, such reporting of aggregated data does little, or nothing, to help inform decision-making in a particular region or community, and data disaggregated at the level we need to be useful on the ground is generally unavailable.

Under Empowered Communities, we have achieved some improvements in access to data at the regional level. Such access is foundational for improving on the ground decision-making to close the gap, and work in this area must be ongoing under the Voice arrangements. Under Empowered Communities we have been building our shared knowledge and capacity for identifying key data sources and working with government agencies and other data custodians to support evidence based decision making through provision of useable data sets. Empowered Communities regions have developed a number of approaches to data access for informed decision making and so we can tell our own stories about our needs, priorities and progress.

- The Central Coast has taken a ground up approach to accessing data for decision making, including by convening of the Ngiyang Wayama Data Network ('We All Tell') to build capacity of Aboriginal people to engage with, collect and use data for the benefit of the community and to highlight strengths rather than just deficits.
- The Goulbourn Murray Kaiela Algabonya Data Unit has been established to provide a locally driven community data hub as an important means to empower the region's Indigenous voices.

### EC regions say...

Through Empowered Communities and Local Decision Making in our region, we've been able to access and govern data at a place-based level like never before. We've launched the Ngiyang Wayama Data Network and we're now embedding community derived indicators into our reporting frameworks.

The Central Coast Community has determined a set of success measures that reflect our priorities and are community driven and strengths based. Over time this will build a picture of what is contributing to change and we can unpick areas that need adapting or reassessing. Organisations across the Central Coast have worked collectively contribute to the measurement of success measures and we now have data sharing mechanisms in place.

*Empowered Communities, Barang Regional Alliance, Central Coast, NSW*

## Monitoring, evaluation and adaptation

The *Empowered Communities Design Report* noted implementation of the Indigenous Empowerment policy will take time to 'get it right', mistakes will occur, directions will need to be corrected and adaptive practice is essential so the partners can learn as we go. We made the case that the dominant modes of monitoring and evaluation were of limited usefulness in terms of helping Indigenous leaders, governments and other service providers drive change effectively and efficiently and in real time. We proposed Empowered Communities should be supported with a non-traditional monitoring and evaluation framework to support innovation and generate implementation and delivery data. What we proposed was ambitious, and involved having accurate baseline data, rapid local feedback loops, central coordination, expert advice and regular reports as components of a "learning as we go" approach, embedding a dynamic and developmental monitoring and evaluation framework.

While we have not necessarily realised our original goal, we continue to move toward it. Developing and implementing more effective and empowering monitoring, evaluation and learning has been an important focus centrally and for each of the regional Backbones. Regions have worked to set their own indicators, meaning they had to build the skills to do this. While other multi region approaches use a universal set of indicators (with some choice) to map to a central theory of change, we have taken more of a community development approach to evaluation, building from the ground up with variations across regions or otherwise ensuring the right approach for their individual situations. For example, the NPY region shared an original Emerging Leaders Program Logic and Monitoring, Evaluation, Learning and Adaptation Plan with all Empowered Communities regions and this has since been adapted and refined further by the other regions. In essence, we have been building capacity to monitor, evaluate, learn and adapt from the inside.

- A 10 step monitoring and evaluation planning guide steps people through the elements of setting up their monitoring and evaluation plan. This can help people to think carefully about which indicators they use (and how useful they are) and how these tie back to the theory of change they have developed for, for example.
- At a national level Empowered Communities uses an Implementation Checklist which is a process maturity tool that captures narrative as well. This gives insights into big system change and Empowered Communities has done six rounds of this tool in two years.
- We use a range of user friendly tools to gain insight about change. These are not prescribed and regions can use what they want. Tools include:
  - **A Journey Tracker** tool which captures visually the pathways being taken during implementation. The tool clearly identifies where there is partnership increase, if there are implementation blockages and if there are input deficits. This tool use is innovative.
  - **A Contribution Analysis** tool which looks at the contributions that different factors make in moving from the start state to the change state. It is a useful way of looking at and testing assumptions about how we got from point A to point B.
  - A range of range of surveys, case study tools and other ways of capturing stories and information and continues to explore the use of innovative tools.

## An ongoing focus on driving implementation

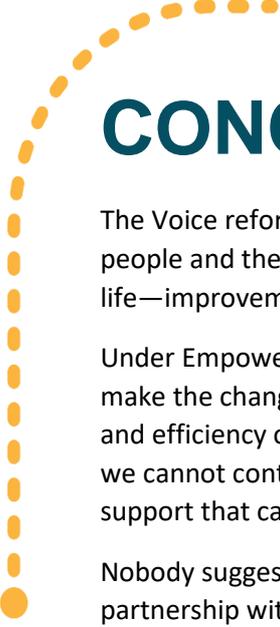
The Voice reforms will require a strong ongoing focus on driving implementation. Even once the model is in place, and governments and Indigenous partners are bound to work with the new approach, there is likely to be some inertia and resistance that accompanies any major change.

Under Empowered Communities we had no dedicated focus on supporting and driving delivery and performance across government and across the partnership. The result was there was a great deal of ambiguity about the extent of shared commitment and a lack of clear authority to drive change, including broadly through government. For this reason, every step forward has felt somewhat tentative, rather than being driven with the authority and accountability required. In the absence of formal organisational structures to drive delivery, ad-hoc arrangements had to be relied upon—the Empowered Communities national team (that reports to the Empowered Communities National leaders group) and a PMC taskforce now operating within an organisational branch of the NIAA, were established to fill the gap. While both work hard together to support regional implementation of Empowered Communities, this arrangement does not provide a dedicated focus on delivery and performance—all those involved are also involved in trying to deliver and engage in the new ways of working under the reform agenda.

In contrast, small dedicated delivery and performance units have been supported by governments in many parts of the world and have had great success in driving the implementation of major reform agendas. In the case of the Voice, a small implementation, or delivery and performance unit would be highly beneficial. The unit would be formed in partnership but with direct authority of the heads of governments in performing its role, and a direct line of reporting to governments and the Voice. The unit's role is a distinct role to that to be played by a Productivity Council, which is entirely dedicated to ensuring that the productivity of investment improves under the Voice arrangements.

This unit would focus on driving implementation, improving coordination and performance of the efforts, including across government/s. It would not undertake the jobs of line agencies and other non-government organisations but would drive and support line agencies and organisations to ensure they engage directly in the reforms. The unit would actively support and coach the partners during the transition and establishment of effective Local and Regional models, as well as supporting the ongoing capability and effectiveness of the Local and Regional models and their supporting structures (e.g. governance and Backbones). In this respect the unit would act almost as a Centre of Excellence or Community of Practice supporting the setup and running of an effective Local and Regional model. The unit's role at both the central and regional levels would include:

- tracking performance
- problem solving and breaking through blockages
- making critical connections
- recommending course corrections or refinements of the approach to the partners as necessary.



# CONCLUSION

The Voice reforms must play out in practical, tangible ways to help close the gap on disparity for Indigenous people and their children on the ground— particularly better health, better education and better quality of life—improvements that would see the gap close over time, say over three generations.

Under Empowered Communities we have begun to put in place better ways to work in partnership and make the changes both government and Indigenous people agree are needed, to improve the effectiveness and efficiency of our efforts on the ground to close the gap. However, despite our absolute commitment, we cannot continue to sustain our efforts and build them in the way we can see is needed, without the support that can be provided through this much needed fundamental and structural reform.

Nobody suggests the current ‘system’ is working. Everyone supports change to put in place a better partnership with First Peoples. Let’s continue to work together to ensure the Voice puts in place the complete structural architecture needed for a new partnership—one that creates the space our First Nations people need to grow and to heal, so we can do the hard work required to overcome the traumas of the past.