

Legislative Assembly of the Northern Territory
Public Accounts Committee
Email: pac@nt.gov.au

10 August 2021

RE: Submission to the Inquiry into Local Decision Making

To Whom It May Concern,

I write this submission as the former Business Manager (2017 – 2018) and CEO (2019) of Yugul Mangi Development Aboriginal Corporation (YMD) based in Ngukurr. I was involved since the early stages of the Multi-Agency Partnership agreement that was developed and signed under the Local Decision Making Guidelines. I am now the General Manager of Walangeri Ngumpinku Aboriginal Corporation at Yarralin, who themselves are currently under-going a Multi-Agency Partnership agreement process as part of Local Decision Making.

1. Local Decision Making should be “standard practice”

I want to start with my support for the concept first. I see "local decision making" as giving back to communities decision making powers that should in some cases have never been taken away.

Communities know what problems they have before the local Member of Parliament does. Communities know who the trouble-makers are. Communities know what kind of service the clinic is providing, issues with break-ins, housing, or what roads need bridges built over them. Communities know this because they encounter these issues on a regular basis.

More importantly, community are often the first to offer suggestions about what needs to be done. More activities for children, action taken to reduce alcohol sales, better employment and training opportunities, more Police or better powers to deal with the trouble-makers.

I see local decision making as akin to a cancer patient deciding what cancer treatment they should receive. While the Doctor might make a range of suggestions, only the patient knows their life circumstances, what they're willing to try, what they can afford, what impact each of those treatments might have on their life, and how the patient values those impacts. Imagine the Federal Health Minister making those decisions instead? A Minister who wouldn't even know the patient's name. Decisions that would impact the very day-to-day life of someone who the Minister wouldn't know even if they passed them on the street.

Recommendation #1

Most decisions should be made as locally as possible. Decisions that impact a particular community the most, should be made by the people of that community, in that community. This will help empower communities to address their own issues.

2. Government is a poor customer

Government (be it Federal, State / Territory, or even Local) is typically a "poor customer". It often does not consume the products or services it pays for. It doesn't drive on the roads it pays to build. It doesn't live in the houses it pays to have constructed. It won't receive the services of the Police force it pays for, nor the Health services it funds.

Consider the following questions:

- a) Is the clinic delivering the health-care community need?
 - Did somebody call the clinic emergency line last night only to be told "they're on a break" and they'll "be there in 20 minutes", despite the community member having a child with respiratory difficulties who was bleeding out of the mouth?
 - Did somebody in community experience chest pains on a Saturday and call the clinic, only to be told to "take a few Panadol" and come in and see the Doctor on Monday morning? When they did, they were flown immediately to Darwin because tests showed they'd had a heart attack and were fortunate to be alive.
 - Did a community member with a known medical history call the clinic after experiencing concerns during a football match, only to be told to take a Panadol, and later die. When their medical history was reviewed (which the clinic held), it was agreed they should have been seen immediately.

- b) Is that building company providing real employment opportunities?
 - ... or are Indigenous employees simply told to sweep the veranda and pick up large rocks on site? When that's done, they're told to not bother showing up, but they still get paid. At the end of the construction, a report is lodged showing how many "Indigenous hours" were "worked". The building company gets a gold star from the Government but is that really the outcome we expected?
 - Is the company that promised to use local Indigenous labour actually using local Indigenous labour? Or did they simply say "it's too hard" and bring in labour from elsewhere? Did they really try to engage local labour, and what did they try? Are there better methods?

- c) Are the Police able to effectively service the community?
 - Did they listen to the right Elder's advice when there was an issue involving a young offender or did it blow up with community anger and almost have the riot squad called in?
 - Are they respected and listened to by community, or do community ignore them or go out of their way to not pass on information the Police need?
 - Are the kids running amok at night simply because they're bored and have no activities to keep them occupied during the day? What activities do we need to organise?

The community knows the answers to these questions, while Government wouldn't even know they're problems to begin with. [The above are all specific cases I've encountered in the Northern Territory.]

Typically if a customer pays for a product or service, and that product or service is of poor quality - the customer usually does something about it. Unfortunately, the Government is the last to know if a service is being poorly delivered, or a product it's paid a substantial amount of money for is of low quality. By then it's usually too late to do anything about it. An inquiry can be made but the poor service has already been delivered. The best that can be made is promises that it won't happen again. And yet it often does.

Often, the Government's only knowledge of service delivery comes from reports provided by the service providers themselves. Those reports can say many wonderful things which may not reflect reality on the ground. If the services aren't being delivered, what recourse does community have? And how long does it take to resolve?

Recommendation #2

The people who use the service should be the ones who assess the service. Community should have some power to follow-up issues and concerns, without having to involve high levels of Government. Local problems should be able to be solved locally. Local service providers should report in some way to the local community. With local community having some kind of power over that service provider such as being involved in the decision as to whether a contract is renewed or not, or who wins a tender. If a company knows that community need to be "on their side" in order to continue operating and being paid, they'll usually respond to community's requests.

Steps will have to be taken to ensure there's no corruption but this can be provided with over-sight from the Government, including financial reviews (with potentially full open book access to any local Corporation), Government attendance at any relevant meetings, and assistance with the decision making process in selecting service providers.

3. LDM needs to be more than just saying "yes" or "no" to a Government designed and developed program

Too often I've been in the position where a program or tender has been offered to a local Aboriginal organisation where our only options are to say "yes" or "no". If we say no, we get to sit back and watch another organisation deliver the program because the Minister needs to make an announcement next week. The first thing that organisation does is then come to us and expect us to do their community engagement for them - usually for free.

The end result is that even if it was a poorly designed program, we're better off saying "yes" anyway because at least then we're getting paid for our inevitable involvement.

It is absolutely crucial that communities are involved in the design and development process of Government programs. This isn't just for social programs but needs to be extended to tenders as well, especially if there is an expectation of community engagement. Most importantly, this needs to be AT the local level, community by community. Not a broad "consultation" or "submission process" to all communities, but going into a specific community where this specific service is intended to be delivered, and engaging specifically with that community.

As an example, as CEO of Yugul Mangi Development I was privy to information about a pipeline of construction works planned for Ngukurr. My intent was to attempt to develop a local building capacity so that we would be in a position to train local Indigenous community members in construction – with the hope that in 10 - 20 years' time, there would be a small local building crew who were adequately qualified and able to service communities within the region.

This all started with the Room to Breathe program – a tender we were told “was coming soon” and that we would be able to tender for. Without any local building capacity in existence, we hired a qualified builder who was willing to live and work in the remote community and take on a handful of local community

members for training. Understandably, this was done at some considerable expense to Yugul Mangi Development.

The tender that was “coming soon” took 6 - 8 months before it finally appeared, during which Yugul Mangi Development was covering the salary of a builder who had little work to do. Only when the tender did appear, were we able to assess what our actual capacity was compared to the demands of the tender. We were seriously short in a number of skilled areas, including the equipment required. Our builder was also not a professional tenderer, requiring us to bring in a tender-writer to assist in the response.

After lodging our response and the tender closing, we heard nothing for some months, before finally being told we were unsuccessful. It took some effort to find out that it was because our price was too high.

We let the builder go and terminated the employment of the trainees.

The end result is that significant cost was borne by the Corporation based on a Government promise without knowing what we needed to deliver and not being given ample time to develop that capacity, despite the several months involved, because we only had 4 weeks to respond to the tender [Government process]. Significant expense was incurred which adversely threatened the financial viability of the corporation and almost lead to the corporation going into Special Administration.

Along similar lines this year at Walangeri Ngumpinku, we were asked if we were interested in a particular tender. We were, but crucially we had no idea what was involved, what the requirements were, or what would be expected of us. When the tender came out, it was far too complex and not what we were expecting. Our only option was to not respond. As a result, the tender deadline passed, nobody tendered, and 6 weeks were wasted (4 weeks with a 2 week extension). That time could have been better spent engaging with the local Aboriginal Corporation around what was expected in the program, and how it might be re-envisioned to suit community’s needs. Instead, the entire program was developed by Government, for Government, outside of community.

Recommendation #3

Too many Government processes are built around hard “yes” or “no” decisions. You will not get community engagement if you don’t actually engage with the community around program design and development. Programs need to be designed, developed, and budgeted *in consultation with* the community that they’re expected to be delivered in. Especially if the intent is for Aboriginal Corporations to deliver those programs.

This might require radical shifts in thinking and Government bureaucratic processes. Government needs to maintain flexibility because issues in one community will not exist in another. EG: Capability of local personnel, the communities’ background or experience, and available equipment.

Instead of wasting time processing it through the Government bureaucracy only to have an Aboriginal Corporation decide not to engage... engage with us from the start. Let's sit down and work together on what you want to achieve, what we're trying to achieve, and the actual implications of delivering. Rather than being dumped with a tender we can't possibly deliver on, lose it, and be so burnt by it that there is little desire to engage with the process again.

The Federal Government’s “Stronger Communities for Children” program is by far the best model I’ve seen when it comes to addressing this issue. A set pool of money is available to address a broad range of issues. However, it is up to the community to decide what issues they will address and how much of that funding will go to any particular issue. The community put forward a proposal that’s within the overall budget

available and if approved by the Government, the proposal can begin. The program is working well in Ngukurr and I believe is assisting in reducing some of the many issues in the community.

4. Be wary of over-burdening Aboriginal Corporations

I'm still mindful of a Multi-Agency Partnership (MAP) meeting that was held early on during Yugul Mangi Development's MAP agreement. It consisted of the regional leaders of the Department of Chief Minister, Department of Housing & Community Development, Department of Infrastructure, Planning & Logistics, Department of Trade, Business & Innovation, Department of Tourism & Culture, Roper Gulf Regional Council, and the Department of Prime Minister & Cabinet.

On the side of Yugul Mangi Development were myself and two local Directors.

It would be fair to say that we lacked the necessary capacity to fully engage in every opportunity that was available to us. But then how do we increase our capacity if we don't win work because we don't have the capacity? In order to increase capacity, I need to hire people. In order to hire people, I need work that pays enough to be able to hire them. I also need housing, a 4wd vehicle for them, and a myriad of other problems that arise when you start talking about work in remote communities (refer to my submission #46 to the Federal Government's Inquiry into food pricing and food security in remote Indigenous communities, where I outline some of these issues).

Capacity building is not a \$5,000 grant and 2 days training. It usually involves hiring a qualified or skilled professional who has the relevant expertise in that area. Then seeking out suitable members of community who can come onboard to be trained by them, over a long-term or ongoing period.

There is a large amount of untapped potential in remote communities with tourist opportunities, construction programs, civil works, and cattle jobs among others. Each area has opportunity, we simply did not have the resources to take advantage of them. In many cases, there are significant social issues in community that are required to be addressed first, before any serious attempts can be made at developing employment opportunities.

Recommendation #4

Be wary of pressuring Aboriginal Corporations into taking on too much. Local community leaders can be very excited about the range of opportunities available to them. This puts considerable pressure on the local corporation across a vast array of very different business opportunities, all of which require specialist expertise, are usually quite risky to operate in a remote environment, and come at some considerable cost.

5. Meeting fatigue

Every organisation that has funding, or is seeking funding, comes to the local Aboriginal Corporation for support. As a result, the local Aboriginal Corporation gets involved in everything. We are often presented with hundreds of pages of documents for various programs, funded by various Departments, all wanting community engagement, and usually for free.

The end result is an endless array of meetings as every program usually tries to organise their own. Already, it is common for communities to have meetings for:

- Local Authority (every 3 months)
- Aboriginal Corporation Board Meetings (on average every 6 weeks)
- Store Meetings (at least every 3 months)

- MACCST (fortnightly / monthly)
- Community Safety Action Plan (monthly)
- CDP Meetings (2 – 3 months)
- Housing Reference Group (ad-hoc, every 3 to 4 months)
- NLC Consultations (ad-hoc, every 6 to 12 months)
- Stakeholder Meetings (monthly)
- Stronger Communities for Children Board Meetings (every 2 months)
- Self-Organised Community Meetings, eg to deal with break-ins (ad-hoc, every 3 to 4 months)

On top of these, there are a myriad of other organisations who come to community and want to have a meeting. On average there is a meeting in community every week and more often than not, they all end up happening at the same time (Tuesdays and Wednesdays are quite popular). A comment I've had from one community member on this is that the Government does too much talking and not enough listening.

These meetings all demand community attendance, are unpaid, can often run for 3 to 4 hours, and usually involve most of the same people. The community members who attend are quite often all fully employed in full-time positions. They are our store employees, health-care workers, Council workers, and they all have to take time off work to attend community meetings. Then field complaints that they haven't done their work.

This leads to a number of problems, including:

- Meeting fatigue, resulting in community members not participating because it's all too much,
- Conflicting schedules (it is common to have 2 or more meetings scheduled at the same time as organisations don't liaise with each other),
- Community members taking time off to attend meetings resulting in loss of income,
- Impact on the organisations who continually lose staff to meetings,
- Confusion around what's happening and who's in charge of what – not everyone is aware of what meeting is on when, and who's supposed to be at which meeting.
- Some community Elders could virtually have a full-time job attending meetings.

Many organisations have also developed the habit of simply "rocking up" into community and expecting to be able to meet with whichever organisation they need to, without having made an appointment.

In a worse-case scenario, this many meetings can actually create conflict within community. Especially in cases where one organisation might only engage community members from a specific family group or clan, and might have competing goals with another organisation trying to achieve similar outcomes - which has different community members on their local advisory group. In one example, an organisation's local consultation group consisted of only two community members, who actually voted against a proposal that came from a larger community group (of which they themselves were a part of) because they were unsure of what they were voting on at the time.

Recommendation #5

Give consideration to supporting a single community entity who can organise meetings with all organisations, but also recognise they may need to charge for community consultations in order to cover costs (unless they receive funding). This may also mean shorter meetings more often, and may even mean meetings that are held at times that are convenient to community but not necessarily convenient to Government employees (such as after hours or on weekends).

It may also mean having to wait until your agenda item can be included in an appropriate meeting – rather than simply turning up in community and expecting to have a meeting. Try and engage existing community leadership structures (Local Council, or the Aboriginal Corporation), rather than creating new committees, with their own meetings.

6. Expectations of unpaid involvement

As noted earlier, many of the community members who attend Government meetings are the same people who attend a number of different meetings. A Director of the Aboriginal Corporation is also the Local Authority Member, who sits on the health-care committee, attends NLC meetings, sits on the Housing Reference Group, and is often asked to attend every other Government Agency meeting that occurs in community. They often do this without any payment.

Along similar lines, the CEO of the local Aboriginal Corporation is often sent hundreds of pages of documentation for programs that the Corporation receives no funding for, and yet is asked to comment on, or attend the meeting to discuss, or raise with Directors at the next board meeting.

Attending Government meetings is not necessarily community's priority. In circumstances where attendance or involvement can take considerable time, it is a negative impost on an Aboriginal Corporation that is usually tight with funds and who need to focus on the day-to-day operations that generate revenue for them just to stay afloat.

Recommendation #6

You may have to consider financially supporting community members and local community organisations who attend meetings or participate in Government programs. The expectation that community members and CEOs of Aboriginal Corporations are sitting around waiting to have a meeting about a new Government program, needs to be abandoned. We are often over-worked, with other priorities, and have limited time to address everything that comes through community - especially when our involvement is expected for free.

7. Pockets of funding

One of the frustrations I find as a CEO is the many different pockets of funding I have to be aware of. Many times, community have requested a service or program only to find that the funding available has to come from a specific agency, with specific aims that are more restrictive than what we are trying to achieve. The best results have come from bundling together 3 or more different funding sources in order to deliver the program community want, while meeting Government's restrictive conditions on each particular funding source. However, this becomes an administrative burden to deal with.

It takes as much time to deal with a \$5,000 grant as it does a \$100,000 grant.

As one example, local Council were not delivering an adequate football program in community. Specific football funding that was available had already been exhausted. We were unable to use Stronger Communities funding as the Federal Government also funded the local Council for sports programs and it was deemed a "conflict of interest", even though local Council were not delivering. Attempts were made to take the program off of Council but we were required to "prove our capacity" to deliver before it could be considered, it was also a multi-year contract as part of funding for the broader region and it was difficult for the Federal Government to tease out the portion for just our community.

In the end, Territory funding was utilised from approximately 3 different sources just to deliver a football program – because no single source allowed us the flexibility to just run a football program. It had to be run as part of “Youth Diversion”, combined with funding from other sources for “healthy activities”. For the record, the program has been a huge success as it engaged hundreds of children and young adults in an activity that community actively wanted, which then helped reduce crime.

One of the criticisms made of Aboriginal communities is that there’s not enough money. I argue that there’s plenty of money, it’s just hidden away in too many different pockets. The funding often already exists but you either have to find it, or it is being poorly utilised.

Because of these pockets, the Federal and Territory Governments often have no idea how much funding goes into any one particular community.

Recommendation #7

Instead of having funding for healthy activities, or youth diversion, or other specific programs under specific Departments, bundle all the funding together into one big pool for each community. Go to that community and say, “We have \$X available every year for this community to help close the gap. What do you want to do with it?”. The community will readily tell you what they need; they need activities for their children, they need help with alcohol issues, they need sport and rec facilities.

Individually the funding pockets for those programs aren’t enough to do much but combined, there’s plenty of money to start achieving goals that help “close the gap”. This would also reduce the multiple different pockets of funding with competing aims and it would simplify the processes for community to access funding, instead of having to hunt for the program we need to apply for, only to find it doesn’t suit our needs.

8. Engage with community in their local Language

As an English speaker living and working in a remote Indigenous community, I’m very conscious that I don’t speak the language of community. I am heavily reliant on those community members who do speak good English, who often translate for me – the Directors who will speak in their language during Board meetings to translate concepts and other ideas from English into something the rest of community can understand.

Community don’t ask for translation. They’ll often even say “yes” if you ask if they can speak English. And yet when it comes to talking to each other, they often don’t speak in English.

Time and time again, we send English speaking staff into communities that simply do not speak English and do not understand it at the level that native English speakers do. The result can be that community members who don’t speak English are often left out.

It is a struggle to explain Western business concepts, staff contracts, or Government programs in a language you don’t understand. It is even more difficult if you don’t understand English at a high level and someone is explaining these things to you in English.

I’ll include an extract from my submission into the Federal Government’s Inquiry into food pricing and food security in remote Indigenous communities (Submission #46, Martin Schahinger):

Stop sending English speaking teachers, into communities that don’t speak English, and wondering why it doesn’t work. How long would I have to speak to you in a language you don’t understand, before you would give up and disengage? Would you send your kids to a school where they only

spoke Russian? How do you think your child would handle that, how would you be able to help your child if you didn't speak Russian as well? What would you do if your child was punished and nobody could explain to you in a language you understood as to why? What if your child was disciplined in a way unfamiliar or not accepted by your culture (Russian schools still have corporal punishment)? Would you be worried about your child losing their culture? And the school doesn't even teach Russian, it just assumes your child knows how to speak it.

We're speaking English "at" Indigenous school children and communities, we're not teaching it. As an example, what would be harder for me to change in you: Teach you an entirely new language, or change your religious beliefs? Surely changing someone's religion is harder and yet there is a reason the church has been successful in many remote communities, while the English language has failed.

Did you know there are at least 53 Indigenous languages into which some part of the Bible has been translated? A full 15 have translated the entire New Testament. Did you know that a lot of Indigenous communities have Indigenous local pastors, who preach in the local Indigenous language? And yet you will struggle to find a single math book that's been translated into one. Walk into a church in a remote Indigenous community during a Sunday service and you won't find a white face speaking English to everyone, and yet you'll often find a building full of engaged people. Now walk into a math class during school time and spot the difference. Why is it that we struggle to get an Indigenous Australian into a paid teaching position within their own communities, and yet we can find Indigenous pastors willing to preach for free? There is an entire history behind why this is, some good and some bad, but the key understanding is that the church engaged with remote communities in their own language.

Acknowledge local Indigenous language. At the very least, English should be taught "as a second language". Develop resources in the Indigenous languages and teach them in the school in the communities where those languages are spoken. I'm aware of research that shows it is easier to teach someone how to read and write in a different language, when they know how to read and write in the language they speak every day. In remote communities, this means developing teaching resources in the local language and teaching community to read and write in an Indigenous language first.

This gains the respect of the adults in community and encourages them to send their kids to school, especially when their children return home from school knowing words in a language their parents naturally speak. Teachers are not equipped to do this. You will need linguists.

For a program that is having some success at doing just this, I refer to the "Meigim Kriol Strongbala" program run by Dr Greg Dickson and funded once again by the Stronger Communities for Children Program in Ngukurr. Linguists, working with local community members, take lessons from the teachers that would normally be taught in English and translate them into the local language of Kriol. Already, teachers who have struggled to teach some of the children are finding quiet disengaged children who, when the lesson is in Kriol, turn into active participants. Having then had the lesson in a language they readily understand, they're more able to understand it when the teacher teaches that lesson in English.

While it is early days and more work needs to be done, if this program is ultimately successful in engaging children with school and improving their education, the results will not be seen for at least a generation or two. These children need to grow up, properly supported by the school system, and then be able to pass that knowledge and understanding onto their own children.

Recommendation #8

Effort needs to be put into developing resources that allow local community languages to be taught to English speakers. I can download an app and learn how to speak French, but there is no such app for Ngarinyman, Kriol, or many of the other languages spoken in Indigenous communities.

9. An example of community engagement done right

I've referred to the Stronger Communities for Children Program at Ngukurr often but it's worth re-inforcing.

If you want an example of community engagement and local decision making done right, go to Ngukurr and see the Stronger Communities for Children Program run by Yugul Mangi Development. When the program was transferred to the local Aboriginal Corporation in 2019, the first step taken was to ask community what they wanted to see done to solve some of the issues in their community. A Community Engagement Study was conducted, where members of community were hired and sent around with tablets and a questionnaire. They asked members of community what they wanted to see, what they thought about organisations like the School, and what might make them send their kids to school, among a range of 80+ questions. The survey took almost 18 months to be completed.

When the results came in, a workshop was held with the leaders of community, through the "Strongbala Pipul Wanbala Bois Komiti". The community wanted to see more activities for children, and local language to be taught at the school, among other things. Proposals were developed based on this community engagement and ultimately approved by Government.

A few years later, the result has been a dramatic decrease in crime in the community, a reduction in the severity of crime that does occur, and an increase in community engagement at school. Hundreds of kids are now engaged through programs at the oval and rec centre. While the local Committee made up of members of community has been strengthened and empowered and with increased capacity, is now taking on other programs.

It's still early days but by being given the opportunity to solve their own problems, community has grasped it with both hands and is stepping up. Instead of waiting for Government to do something, or expecting Government to come along with the solution, they now look to develop their own solutions. And no, they won't always get it right but it's at least a step in the right direction towards communities looking after and taking care of themselves. It's also good local decision making.

If you wish to contact me to ask any questions about this submission, you can do so via mobile on [REDACTED] or via email to [REDACTED]

Yours faithfully,



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